

PLANNING COMMITTEE

14TH APRIL 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

**A.5 PLANNING APPLICATION – 25/01832/OUT – 59 HARWICH ROAD LAWFORD
MANNINGTREE ESSEX CO11 2LP**



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Application:	25/01832/OUT	Expiry Date:	10th February 2026
Case Officer:	Charlotte Cooper		
Town/ Parish:	Lawford Parish Council		
Applicant:	Rowland and Murfitt		
Address:	59 Harwich Road Lawford Manningtree Essex CO11 2LP		
Development:	Outline Planning Application (all matters reserved) - Provision of one dwelling.		
Referral Reason:	Departure from Local Plan		
Recommendation:	Outline Approval Subject to Conditions (RAMS UU already completed)		

1. Executive Summary

- 1.1 Outline planning permission with all matters reserved is sought for the erection of one dwelling. The site lies outside the settlement development boundary but is considered acceptable subject to conditions and the completed RAMS Unilateral Undertaking.

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 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

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL10 Renewable Energy Generation and Energy efficiency Measures

CP1 Sustainable Transport and Accessibility

Supplementary Planning Documents

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

[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

21/00783/OUT	Proposed erection of one dwelling.	Refused	24.06.2021
		Appeal dismissed	05.05.2022
26/00275/S106	Legal Agreement in relation to RAMS for application reference 25/01832/OUT. (Request for Legal Team to CHECK Agreement)	Completed	13/03/2026

Nearby Planning History

- 4.1 20/01630/OUT approved one dwelling to the immediate west of the application site. 22/00469/FUL then approved an alternative dwelling on the same plot. 20/01630/OUT was granted on the grounds that due regard should be given to the demolition of the existing large expanse of greenhouses on this site as justification for the location outside the settlement development boundary.
- 4.2 Outline planning permission was also granted under 20/00053/OUT and 20/00687/OUT each for one dwelling on neighbouring sites to the immediate west of the above approved plot. These permissions were granted at a time when the Council could not demonstrate a five year housing supply and the location was considered sustainable. Those permissions were replaced by 21/00858/FUL for two dwellings and 24/985/VOC to alter the detailed design.

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

12.01.2026

No objection subject to conditions securing:

1. No occupation of the dwelling shall take place until the following have been provided or completed:
 - a) A vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
 - b) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
 - c) The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 4.5 metres (equivalent to 5 drop kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate vehicular crossing.

Environmental Protection

09.02.2026

Contaminated Land - Given the proposal sites proximity to historic and current agricultural land, request a Watching Brief to be applied to any approval: request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the

below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

Construction Method Statement: satisfied with the submitted CMS and have no adverse comments to make.

Asbestos: Should any asbestos containing materials be present on the development site, or used within the original construction of the building in question, it must be safely removed by a qualified contractor, with relevant transfer notes being obtained to confirm safe and responsible removal and disposal.

Tree & Landscape Officer

06.01.2026

There are no trees or other significant vegetation in the main body of the application site.

On the boundary with the highway there are two established Field Maple (*Acer campestre*) and a short section of conifer hedge. The Field Maples make a positive contribution to the amenities of the locality, but their amenity value could be relatively easily replicated by new planting. Both trees are to be retained. The section of conifer hedge is in poor condition and should be removed regardless of the outcome of the planning application.

An Arboricultural Impact Assessment (AIA) has been submitted. The information provided appears to be only part of the AIA but is sufficient to show that the proposed development could be implemented without causing harm to retained trees.

Should planning permission be granted then details of soft landscaping should be secured as a reserved matter. Soft landscaping should aim to soften, screen and enhance the appearance of the development.

Essex County Council Ecology

18.02.2026

No objection subject to conditions securing 1) recommendations of Preliminary Ecological Appraisal. 2) Biodiversity Enhancement Strategy. 3) Wildlife Sensitive Lighting Design Scheme

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).

National Landscape Team

13.03.2026

No objection in principle to the development of a single storey dwelling as proposed in the Landscape and Visual Impact Assessment.

The site sits wholly within the Dedham Vale National Landscape. This does not preclude the delivery of high quality development that positively contributes to the conservation and enhancement of the natural beauty of the designed landscape.

This is an outline application where most detailed planning matters have been reserved. While the proposal will result in the loss of a currently undeveloped parcel of land, the site is

sandwiched between other residential dwellings. The addition of another property along this stretch of Harwich Road will therefore not appear incongruous on the north side of Harwich Road and will have limited impact on the streetscape, if effective mitigations are delivered.

To fulfil the statutory purpose underpinning the designation of the National Landscape, any scheme coming forward should both conserve and enhance the natural beauty of the area. The removal of trees and hedging fronting the site will clearly not conserve the natural beauty of the area therefore replacement landscaping will be needed. The removal of the existing coniferous hedging as proposed would be welcomed, however it should be replaced with a hedge comprising mixed native species. This would be more appropriate in the area, would provide a more beneficial habitat for wildlife and be less at risk to loss to disease than a single species hedge would be.

Close boarded fencing should be limited to interior garden boundaries and avoided along the Harwich Road frontage which is generally soft and landscaped and along the rear boundary with open countryside. Hard and soft landscaping should be conditioned to ensure that the landscape quality is conserved and enhanced.

Light spill will need to be carefully managed to limit negative impacts on tranquillity. Large expanses of glazing should be avoided ideally and where these are proposed, mitigation should be used to limit light spill. The good lighting principles and recommendations for domestic developments in the Lighting Design Guide for the Dedham Vale National Landscape should be referenced and adhered to when considering fenestration in the proposed dwelling if it is approved. The wildlife sensitive external lighting plan requested by the ecologist is fully supported. Careful choice of material /colour finishes - recommend reference is made to the Selection and Use of Colour in Development for the Dedham Vale AONB

6. Representations

6.1 Parish Council – Made comments neither objecting to or supporting

Lawford Parish Council observe that the application site is located outside the settlement development boundary.

6.2 Neighbour / Local Representations

No letters of representation have been received.

7. Assessment

Site Context

- 7.1 The application site relates to a parcel of land located to the north of Harwich Road, Lawford. The parcel of land will form a linear form of development infilling between the east (number 58) and to the west (number 59).
- 7.2 The plot itself forms the western part of the garden serving no. 59 Harwich Road and has a shared access with no. 60.
- 7.3 The application site is located outside the settlement development boundary of both Lawford and Ardleigh.

Planning History

- 7.4 As detailed under the planning history section above three dwellings have been approved to the

immediate west of the application site. This plot is effectively the remaining infill plot between those new dwellings/planning permissions and the established semi-detached dwellings at No.s 59 and 60 Harwich Road.

- 7.5 Planning permission was refused (21/00783/OUT) for the erection of one dwelling on the application site due to the location outside the settlement development boundary when the Council could demonstrate a strong 5 year housing supply; the creation of a more intensive and urbanising effect by filling this gap in the street scene; and no RAMS contribution being secured.
- 7.6 That proposal was later dismissed at appeal. The Inspector considered “the appeal site is located well beyond the boundary of either of these settlements and as such is in the countryside in this regard. The site cannot therefore be considered to be either within or adjoining the settlements.” “For these reasons, the proposed development would conflict with the strategy for the location of new residential development, as set out in the development plan. Namely, the aim to focus new housing in locations within or adjoining existing settlements.” “There would also be a conflict with Framework Paragraph 15, which emphasises that the planning system should be genuinely plan-led. The fact that the TDLP documents were only very recently adopted is of particular significance in this regard.”
- 7.7 In relation to the impact on local character the Inspector states: “The development of the site for one dwelling, when read within the context of existing and planned development, would not necessarily be harmful to the character and appearance of the surrounding area. Within the context of existing and planned development, the site cannot be considered to be particularly open. Indeed, it would be possible to maintain the linear pattern of development in this location whilst respecting the surrounding rural character.” The Inspector acknowledged the 6+year housing supply position and stated “Whilst it is recognised that demonstrating a 5 year HLS is not a ceiling for development, to grant planning permission on this site would undermine the emphasis on a plan-led approach to development, particularly given that both parts of the TDLP have only very recently been adopted.” The appeal was therefore dismissed.

Proposal

- 7.8 This application seeks outline planning permission, with all matters (access, appearance, landscaping, layout and scale) reserved for the erection of one dwelling.

Principle of Development

- 7.9 The development plan comprises the Tendring District Local Plan 2013-2033, Section 1 which was adopted on 26 January 2021 and Section 2 of the Tendring District Local Plan 2013-2033 and Beyond which was adopted on 25 January 2022.
- 7.10 TDLP1 Policy SP3 provides the spatial strategy for North Essex, including Tendring, whereby existing settlements will be the principal focus for additional growth within the plan period. It states that development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role and beyond the main settlements the diversification of the rural economy and conservation and enhancement of the natural environment will be supported.
- 7.11 TDLP1 Policy SP3 relies on the TDLP2 to identify a hierarchy of Tendring settlements. New development will be accommodated according to the role of the settlement, sustainability, its physical capacity and local needs. TDLP2 Policies SPL1 and SPL2 provide for this by establishing the Tendring settlement hierarchy and address development outside of settlement development boundaries.
- 7.12 Paragraph 110 of the National Planning Policy Framework states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, which can help to reduce congestion and emissions, and improve air quality and public health.

- 7.13 Policy SPL1 of the Tendring District Local Plan sets out the settlement hierarchy for the District. It states that Lawford is categorised as a Smaller Urban Settlement. The dwelling is situated to the west of the edge of the Settlement Development Boundary of Lawford by approximately 1.1km. The location is therefore contrary to the above plan-led approach.
- 7.14 Paragraph 11 of the National Planning Policy Framework (NPPF) confirms decisions should apply a presumption in favour of sustainable development. Where the most important development plan policies for the proposal are out of date, as in this case, permission should be granted unless: Paragraph 11 d) i. the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; (not relevant in this case) or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 7.15 In conclusion the proposal represents a departure from the Local Plan, however from 26.01.2026 the housing policies are now out of date. 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 Objective

- 7.16 It is considered that the proposal for one dwelling would contribute economically to the area by providing employment through the construction phase. Also, from future occupiers using the facilities in the area. The proposal therefore meets the economic aims of sustainability.

Social Objective

- 7.17 The social aspects of new housing are embedded in the Framework, which states that “supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s need and support its health, social and cultural wellbeing.”
- 7.18 The appeal decision on the application site was at a time when the tilted balance was not engaged. Appeal decision dated 3rd May 2019 in relation to number 43 Harwich Road, Lawford is located approximately 700 metres away from this application site and was at a time when the tilted balance was engaged. Officers also note that the application site is located significantly nearer to the settlement development boundary of Lawford than that appeal site. The Inspector explained that “the appeal site is roughly midway between the settlements of Ardleigh and Lawford, being around a mile or so to each and outside of their development boundaries.” “there are bus stops within 0.29 miles of the appeal site with services to Ardleigh and Lawford. This distance is not particularly far and accessible by footways along Harwich Road (A137) which is the principal road linking Ardleigh, Manningtree, Mistley and Lawford with Colchester. It is served by three bus routes with a frequent service in each direction each day, from early in the morning to late at night. Therefore, a bus journey to Lawford to utilise the large range of services there would be relatively straight-forward. I consider that sustainable travel other than by private car would be reasonably practicable in this case.”
- 7.19 Officers note that a bus stop is located approximately 0.13 miles west of the application site so in comparison should also be considered sustainably located in relation to public transport links. This stop provides regular services, including routes to Manningtree railway station, thereby offering a sustainable public transport connection for future occupants. The location of the site is therefore

considered socially sustainable.

- 7.20 The provision of one additional dwelling at a time where the Council is unable to demonstrate a 5 year housing land supply would contribute to the Districts' overall housing stock and provide incremental population support for local services. The proposal therefore meets the social aims of sustainability.

Environmental Objective

- 7.21 The accompanying energy statement confirms that the proposed dwelling will be energy efficient with user friendly technologies and low running costs by incorporating; high levels of insulation, measures to minimise thermal bridging, natural ventilation, sufficient glazing to take advantage of passive solar gains, LED Lighting throughout, use of an external drying space, heating and hot water via an Air Source Heat Pump, locally sourced materials where possible, an electric vehicle charging point, and water consumption in compliance with Part G of the current Building Regulations, meeting the requirement of 110 litres per person per day. It is also noted that the proposed dwelling would appear visually as an infill development in the streetscene with conditions mitigating any adverse impact upon the Area of Outstanding Beauty/National Landscape.
- 7.22 The RAMS contribution has already been secured by unilateral undertaking to mitigate the impacts of the new residents on nearby habitats sites. Biodiversity enhancements will be secured by condition including the provision of a Woodstone Nest Box (or similar), Feeding House, and Insect House. The proposal therefore meets the environmental aims of sustainability.
- 7.23 To conclude on the principle of development, the proposal is considered to be acceptable in terms of the three strands of sustainability given its proximity and reasonable accessibility to local services and public transport links, and environmental benefits in terms of energy efficiency and biodiversity enhancements. The development of this site for one dwelling would not result in material harm to the character of the area as accepted by the Inspector at appeal. The proposal is not likely to result in any adverse impacts to significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The tilted balance is therefore engaged and the principle of development is accepted.

Scale, Layout & Appearance

- 7.24 Paragraph 131 of the NPPF states: The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 adds planning decisions should ensure that developments are visually attractive as a result of good architecture, and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- 7.25 TDLP Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to ensure all new development makes a positive contribution to the quality of the local environment and protect or enhance local character. The following criteria must be met: new alterations are well designed and maintain or enhance local character and distinctiveness; and the development relates well to its site and surroundings particularly in relation to its siting, height, scale, design and materials. TDLP Policy PPL3 seeks to protect the rural landscape and resist development that would cause overriding harm to its character or appearance, including impacts on traditional buildings and settlement patterns, landscape features, and valued views.
- 7.26 This application is in outline form with all matters reserved. Notwithstanding this, a block plan has been provided.

- 7.27 The accompanying planning statement suggests that the proposal would comprise of a single storey bungalow of a form and scale that reflects the character of the development along Harwich Road with parking to the front and private amenity space to the rear.
- 7.28 Detailed design considerations would be fully assessed at the reserved matters stage, however the block plan confirms that there is sufficient space to the rear of the proposal to provide sufficient private amenity space and officers are satisfied that the site can comfortably accommodate one dwelling without harm to the character or appearance of the area.

Highway Safety/Parking

- 7.29 Paragraph 115 of the NPPF requires Councils, when making decisions to ensure safe and suitable access to the site can be achieved for all users. Paragraph 116 goes on to say, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 7.30 TDLP Policy CP1 states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion. TDLP2 Policy SPL3 Part B of the Local Plan seeks to ensure that access to a new development site is practicable, and the highway network will be able to safely accommodate the additional traffic the proposal will generate and not lead to severe traffic impact.
- 7.31 Although access is a reserved matter, the accompanying plans demonstrate that there is an existing access from Harwich Road.
- 7.32 The Highway Authority raise no objections subject to conditions relating to vehicular turning facilities, no unbound materials and vehicular parking measurements. This would be compliant with the Essex Parking Standards, in an area of low connectivity, to have a minimum of two residential parking spaces.
- 7.33 Notwithstanding the above, the proposal is in outline form with all matters reserved. Therefore the conditions suggested by the Highway Authority are considered to be unnecessary at this stage but their guidance will be included as informatives to inform the reserved matters application for access and layout.

Impact on Residential Amenity

- 7.34 Paragraph 135 of the NPPF states that planning should always seek to secure a high standard of amenity for all existing and future occupants of land and buildings. In addition, TDLP Policy SP7 states that all development should protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. These sentiments are carried forward in TDLP Policy SPL3.
- 7.35 Furthermore, TDLP Policy LP4 j. states that new development must provide for private amenity space of a size and configuration that meets the needs and expectations of residents, and which is commensurate to the size of dwelling and the character of the area.
- 7.36 In addition, the Technical housing standards – nationally described space standard (2015) deals with internal space within new dwellings to ensure appropriate living conditions for future occupants.
- 7.37 The application is in outline form with all matters reserved. A full assessment of the impact of the development will be undertaken at the reserved matters stage when fully detailed elevations and floor plans are provided. Nonetheless, Officers consider that sufficient space is available on the application site to provide a development of one dwelling that could achieve an internal layout and

separation distances that would deliver a good standard of living for future occupants.

- 7.38 Considering the impact of the proposal on future occupants of the adjacent developments, the distances between plots as indicated on the accompanying indicative block plan are considered acceptable and the accompanying planning statement suggests that the proposal could be a bungalow, which would be single storey in height.
- 7.39 Subject to conditions and a full assessment at reserved matters stage, Officers are content that the development can achieve a good standard of amenity for future residents of the development and adjacent developments.

Trees and Landscaping

- 7.40 There are no trees or other significant vegetation in the main body of the application site. On the boundary with the highway there are two established Field Maple (*Acer campestre*) and a short section of conifer hedge.
- 7.41 The Field Maples make a positive contribution to the amenities of the locality, but their amenity value could be relatively easily replicated by new planting. Both trees are to be retained. The section of conifer hedge is in poor condition and should be removed regardless of the outcome of the planning application.
- 7.42 In order to show that the development proposal can be implemented without causing harm to the Field Maples an Arboricultural Impact Assessment (AIA) has been submitted and is sufficient to show that the proposed development could be implemented without causing harm to retained trees.
- 7.43 Details of soft landscaping shall be considered at reserved matters stage to help soften, screen and enhance the appearance of the development.

Dedham Vale National Landscape (formally AONB)

- 7.44 Section 85 of the Countryside and Right of Way Act 2000 (CRoW Act) (as amended by the Levelling-up and Regeneration Act in December 2023) imposes a statutory duty on relevant authorities, in exercising or performing any function that affects land in an AONB in England must seek to further the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty.
- 7.45 From November 22nd 2023, all AONBs in England are known as National Landscapes. The statutory designation remains an area of outstanding natural beauty (AONB) and is currently referred to as such in policy and legislation).
- 7.46 Paragraph 189 of the NPPF (2024) provides: Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
- 7.47 Paragraph 190 of the NPPF (2024) provides: When considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of: a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and c) any

detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

- 7.48 Policy PPL3 of the Local Plan states that Development proposals affecting protected landscapes must pay particular regard to the conservation and enhancement of the special character and appearance of the Dedham Vale AONB, and its setting, and the setting of the Suffolk Coast and Heaths AONB, including any relevant AONB Management Plan objectives. New development which would impact upon the proposed extension to the Suffolk Coast and Heaths AONB, or its setting, should have specific regard to any special landscape qualities of the area affected.
- 7.49 The proposal is sited within the Dedham Vale National Landscape (formally known as AONB). The site is on the edge of the designation with the opposite side of the road being outside the designation. The National Landscape team has been consulted and state that whilst the proposal will result in the loss of a currently undeveloped parcel of land, the site is sandwiched between other residential dwellings so the proposal would not appear out of place. Creating a new access and removing trees and the Leylandii hedge will open up views and reduce natural character. Replacement native planting, sensitive boundary treatments, large expanses of glazing and careful control of lighting should therefore be secured to conserve and enhance the area's natural beauty. Facing materials and colours should also be chosen to reduce visual impact. As landscaping and appearance are reserved matters the hard and soft landscaping and detailed design/materials would be assessed at that stage. Conditions have been imposed removing permitted development rights for fencing and other boundary treatments to the front and rear boundaries and for wildlife sensitive lighting which will also serve to limit lightspill and its impact on the tranquillity of the National Landscape. It is therefore considered that the proposal taken as a whole would further the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty/National Landscape.

Drainage

- 7.50 Paragraph 187(e) of the NPPF states that planning policies and decisions should contribute to an enhance the natural and local environments by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, paragraph 198 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location considering the likely effects of pollution on the natural environment.
- 7.51 Adopted policy PPL5 of Section 2 of the adopted Local Plan states that all new development must make adequate provision for drainage and foul sewerage. Connection to the mains is the preferred option having regards to the drainage hierarchy and building regulations requirements. A reserved matters application will need to confirm how foul sewage disposal will be dealt with in compliance with the above.

Bin Storage and Waste Collection

- 7.52 TDLP Policy SPL3 states that all new development must meet practical requirements including provision for adequate waste storage and recycling facilities. This matter would be addressed at reserved matters stage.

Sustainable Construction and Energy Efficiency

- 7.53 TDLP Policy SPL3 states that all new development should incorporate climate change adaptation measures and technology from the outset including reduction of emissions, renewable and low carbon energy production, passive design, and through green infrastructure techniques, where appropriate. Under TDLP Policy PPL10, there is a requirement for all development proposals to demonstrate how renewable energy solutions, appropriate to the building/site, and location have been included in the scheme and for new buildings.
- 7.54 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.

- 7.55 This application has been accompanied by a Sustainability Statement which confirms that the new dwelling will be energy efficient with user friendly technologies and low running costs by incorporating; high levels of insulation, measures to minimise thermal bridging, natural ventilation, sufficient glazing to take advantage of passive solar gains, LED Lighting throughout, use of an external drying space, heating and hot water via an Air Source Heat Pump, locally sources materials where possible, an electric vehicle charging point, and water consumption in compliance with Part G of the current Building Regulations, meeting the requirement of 110 litres per person per day
- 7.56 Overall, the development will deliver energy efficiency measures and construction techniques proportionate to its scale and accords with the above policies. The implementation of these measures is secured by condition.

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.

7.57 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.

It is proposed to install enhancements to the development including, sparrow boxes, terraces and swift boxes. The accompanying statement also confirms the additional planting of native fruit and seed bearing trees and shrubs offering shelter for invertebrates. 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.

7.58 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 excluding self builds. This development as a self-build development is therefore not applicable for Biodiversity Net Gain.

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 following documents demonstrating compliance with BNG requirements at application stage and providing certainty that BNG will be delivered:

- Biodiversity Gain Plan – received 15.12.2025
- BNG Metric – received 16.12.2025

The necessary conditions are included within the recommendation.

7.59 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. A unilateral undertaking has now been completed to secure the necessary financial contributions for RAMS.

7.60 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 Preliminary Ecological Appraisal (PEA) confirms the site is grassland with non native hedge and single tree, no protected species were found and precautionary measures and mitigation (bat and bird boxes, native planting and hedgehog highways) are recommended. ECC Ecology raise no objections subject to conditions relating to the mitigation measures to be carried out in accordance with the PEA, submission of a Biodiversity Enhancement Strategy and submission of a wildlife sensitive lighting design scheme.

7.61 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. In conclusion, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

8. **Conclusion**

- 8.1 Although the site lies outside of the defined settlement development boundary, the Council's housing policies are now out of date and the tilted balance applies. The proposal would be acceptable in terms of the three strands of sustainability given its proximity and reasonable accessibility to local services and public transport links, and environmental benefits in terms of energy efficiency and biodiversity enhancements. The proposal is not likely to result in any adverse impacts to significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The tilted balance is therefore engaged and the principle of development is accepted.

- 8.2 The proposed development is not considered likely to result in material harm to the character of the area or natural beauty of the Area of Outstanding Natural Beauty/National Landscape, highway safety, residential amenity or ecological interests. Matters relating to biodiversity enhancement, drainage, parking and detailed design can be appropriately addressed through planning conditions or at the reserved matters stage.
- 8.3 Overall, the development is considered to comply with the relevant provisions of the National Planning Policy Framework and the Tendring District Local Plan 2013–2033 and Beyond, subject to conditions. The necessary Recreational disturbance Avoidance and Mitigation Strategy (RAMS) contribution has already been secured by UU. Accordingly, the application is recommended for approval.

9. Recommendation

9.1 Approval subject to conditions

Recommendation: Approval

1. That the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 9.2, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,
2. The informative notes as may be deemed necessary.

9.2 Conditions and Reasons

1 COMPLIANCE REQUIRED: TIME LIMIT FOR RESERVED MATTERS APPLICATION

CONDITION: Application for 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 in any phase shall commence until approval of the details of:-

- the Appearance of the building(s) and place,

- Scale of the building(s),
- Layout of the building(s) and site,
- Landscaping
- The means of Access

(hereinafter called "the reserved matters") for that particular phase 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 and agreed order of phasing.

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. This condition is required to be agreed prior to the commencement of any development in accordance with proper planning principles to allow public engagement on the outstanding reserved matters and ensure no significant adverse harm results.

NOTE/S FOR CONDITION:

This condition requires approval of all reserved matters as may be listed to be agreed in writing prior to any commencement of the approved development. Failure to comply with this condition may 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.

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

ACCESS: The accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network

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.

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

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.

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

3 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 Plan – Received 15.12.25
- Preliminary Ecological Appraisal – Revision A – February 2026 – Prepared by Crossland Ecology
- Construction Method Statement - Received 15.12.2025

- Landscape Visual Impact Assessment – November 2025
- Sustainability Statement – Received 15.12.25
- Tree Survey – Received 15.12.25
- Planning Statement – November 2025

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.

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 COMPLIANCE REQUIRED: CONSTRUCTION METHOD STATEMENT

CONDITION: The Construction Method Statement (Received 15.12.2025) shall be adhered to throughout the construction period of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of residential amenity and highway safety.

5 FURTHER APPROVAL - FOUL WATER DRAINAGE DETAILS

CONDITION: Full details of foul water drainage shall be submitted to and approved, in writing, by the local planning authority prior to the commencement of any works to the building/s it would serve. No part of the building/s shall be first occupied or brought into use until the agreed method of foul water drainage has been fully installed and is functionally available for use for that building/s. The foul water drainage scheme shall thereafter be maintained as approved.

REASON: To safeguard the ground water environment from harm and minimise the risk of flooding.

NOTE/S FOR CONDITION:

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

6 FURTHER APPROVAL: BIODIVERSITY NET GAIN PLAN

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

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

NOTE - CONTEXT AND APPLICATION:

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

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

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

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

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

BIODIVERSITY GAIN PLAN REQUIREMENTS:

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

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

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

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

The Local Authority will ensure the submitted details meet the requirements of the Town and

Country Planning Act 1990 as amended, Environment Act as amended, associated legislation and guidance.

Ways to achieve 10% BNG may include:

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

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

CONDITIONS AND LEGAL AGREEMENT:

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

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

7 COMPLIANCE: HABITAT MANAGEMENT AND MONITORING PLAN FOR BNG

CONDITION: Unless all biodiversity net gain for the development is achieved via the purchase of off site biodiversity units or statutory biodiversity credits, no development shall commence on the site until a 30 year Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain Plan/s under condition 6, has been submitted to and approved in writing by the local planning authority for the site, and shall contain the following unless otherwise agreed in writing by the Local Planning Authority:

a description and evaluation of the planned habitat works for the creation and/or enhancement of the on site habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;

the management measures to maintain the on site habitat creation and/or enhancement works for a period of a least 30 years from the completion (defined for this purpose as first use and/or occupation unless otherwise agreed in writing by the LPA) of the development including:

- i) ecological trends and constraints on the 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 the 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;

details of the monitoring methodology, to measure the effectiveness of the management of the on site habitat creation and/or enhancement works together with the timetable for each element of the monitoring programme including when scheme shall be 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

details of the roles and responsibilities of the people or organisation(s) delivering the HMMP including implementation and monitoring;

Furthermore, there shall be a completion report submitted to the local planning authority in writing for its approval, evidencing the completed habitat enhancements and/or creation works as set out in the HMMP prior to first use and/or occupation of the development. unless agreed in writing by the LPA. The approved HMMP shall be strictly adhered to at all times and implemented in full for its duration with the completion of the habitat works for the creation and/or enhancement of the on site habitat no later than the first use/occupation of the development, and the management and monitoring of those habitat works as required and in accordance with the approved HMMP thereafter for the period of 30 years or more.

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).

NOTE: If the approved BNG Plan is for off site units or statutory credits only, this condition does not require discharge. For all development that include a BNG plan for a combination of on site and off site/statutory credit, this condition is imposed and needs to be discharged as set out to secure the on site element. Additionally, should the on site BNG requirement be considered to be “significant” an associated legal agreement will be required to secure monitoring fees.

8 ECOLOGY

CONDITION: All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

9 ECOLOGY

CONDITION: Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Proposal , shall be submitted to and approved in writing by the local planning authority.

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that

manner thereafter.

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

10 FURTHER APPROVAL: EXTERNAL LIGHTING

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

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

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended), and to protect the dark skies of the Dedham Vale AONB/National Landscape.

11 CONTAMINATION WATCHING BRIEF

CONDITION: In the event of unexpected ground conditions/contamination being encountered during construction the Local Planning Authority shall be contacted and the minimum precautions below shall be undertaken until such time as the Local Planning Authority responds to the notification.

1. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.
2. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.
3. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.
4. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.
5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
7. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
8. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.
9. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.

10. A photographic record will be made of relevant observations.
11. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be: re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or treatment of material on site to meet compliance targets so it can be re-used; or removal from site to a suitably licensed landfill or permitted treatment facility.
12. A Verification Report will be produced for the work prior to first occupation of the development.

REASON: to protect the health of site workers and end users from potential contamination.

12 SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS ENCLOSURES

CONDITION: Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification):- no fence, gate, wall or any other means of enclosure, shall be erected forward of the hereby approved dwelling or along the northern (rear) site boundary except pursuant to the grant of planning permission on an application made in that regard.

REASON: To enable the Local Planning Authority to retain control over the development in the interests of the amenity of the locality and to safeguard local distinctiveness and the beauty of the National Landscape.

Informatives:

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways

- i) Any reserved matters planning application should include details of a site access to the required highway design standards, in this case the Design Manual for Roads and Bridges, and that the access would be deliverable within land under the control of the applicant and/or extent of the highway.
- ii) The development should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document, 2024 Essex Parking Guidance Essex Design Guide.
- iii) 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 must 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
- iv) 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.

Asbestos

Should any asbestos containing materials be present on the development site, it must be safely removed by a qualified contractor, with relevant transfer notes being obtained to confirm safe and responsible removal and disposal. To ensure that any risks (to future users of the land and neighbouring land and to controlled waters, property and ecological systems) arising from any land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

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/>.