

**TENDRING DISTRICT COUNCIL**

**PLANNING COMMITTEE**

**ALTERATIONS AND ADDITIONS TO PLANNING COMMITTEE**

**14<sup>th</sup> April 2026**

**Item No. A.1 - 25/01066/OUT Land to The South of Weeley Road, Great Bentley**

**Great Bentley Parish Council further comments:**

The council wanted it noted that this proposal now includes a draft Section 106 agreement providing financial contributions towards the village hall, and the operation of a new bus service for a period of two years. These measures would offer infrastructure benefits to the village and support sustainable transport options.

As per our previous comments this is a site recommended by the Parish Council for inclusion within the local plan, by moving the proposed site access away from the dangerous bend on Weeley Road, the applicant has taken into consideration the comments made previously.

However, the site does remain located beyond the recommended catchment distance to the railway station, this could be improved if a pedestrian access was linked through their phase 1 into the pedestrian access through the Birch Estate to shorten this down which would also support pedestrian access to the school.

**Clarification regarding Paragraph 7.52 of the officer report:**

Conditions 19 and 23 of 22/01818/FUL for Phase 1 and the associated legal agreement secure the footpath connection across the Phase 2 site to join the Public Right of Way. This should have been completed prior to occupation and retained in perpetuity. However, it remains outstanding due to the conflict with the construction compound and no public access to this part of the site.

If this Phase 2 application is approved, the footpath route is altered through the approval of reserved matters, and the development commences, the existing Phase 1 permission and legal agreement will need to be varied by a S73 application and deed of variation to secure the altered alignment of the footpath and triggers for its delivery, maintenance and retention in perpetuity. It would also be secured under any future Phase 2 reserved matters for Layout. This would ensure the previous obligations for Phase 1 are retained and the residents of both phases will benefit from a safe and direct connection to join the Public Right of Way. This matter is clarified by an additional informative within the recommendation as detailed below.

The surface water attenuation basin and drainage feature for Phase 1 are also secured by legal agreement. These have been completed and are unaffected by the Phase 2 development which has its own drainage basin and features. This will therefore not require alteration if this Phase 2 application is approved.

**Paragraph 9.3 Alteration to condition wording:**

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

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 under Condition 5 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 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 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
- d) 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.

~~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).

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.

## **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 and shall be retained and maintained as approved thereafter.

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.

### **Paragraph 9.3 – Addition to informatives:**

Should this proposal subsequently gain reserved matters approval; the connecting footpath as secured for Phase 1 (22/01818/FUL) is altered through the approval of reserved matters; and the development proceeds to construction, a S73 variation of condition application for 22/01818/FUL and a deed of variation to the associated legal agreement will be required to secure the altered alignment of the permissive footpath across the application site and triggers for its delivery, maintenance and retention in perpetuity.

### **Item No. A.2 – 25/01795/FUL Oak Lodge, Hall Road, Great Bromley**

No updates.

### **Item No. A.3 – 26/00075/FUL Clacton Leisure Centre, Vista road, Clacton on Sea, Essex**

No Updates.

### **Item No. A.4 – 26/00025/FUL Former Public Convenience / Beach Patrol Unit, Existing shelter and Small Hut Building. Kings Promenade Clacton On Sea**

#### **Consultee comments received**

##### **ECC Ecology**

Raise no objection subject to conditions securing implementation of the mitigation measures in the Ecological Appraisal and Preliminary Roost Assessment, and the submission and approval of a Biodiversity Enhancement Strategy. They also confirm support for the submitted lighting specification.

##### **Natural England**

No objection and consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

### **Update to Paragraph 9 Recommendation**

As no objections have been received from ECC Ecology and Natural England the recommendation is amended to:

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 **as included/amended on the update sheet**, 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 provided no objections are received from Essex County Council Ecology and Natural England.** And,

2. The informative notes as may be deemed necessary.

Or;

**3. That in the event of an objection being received from Essex County Council Ecology and / or Natural England that the grant of planning permission will be withheld pending the return to the Planning Committee of a revised report and, if necessary, revised recommendations for either the imposition of planning conditions or for the overall decision to be taken again by Members of the Planning Committee.**

### **Paragraph 9.2 Update to Conditions**

#### **Condition 3 Heritage Repair Schedule amended**

Following submission of the Schedule of Works, ECC Heritage have confirmed no objection and are now content for this matter to be secured by way of a compliance condition. Condition 3 has therefore been amended and the Schedule of Works added to the Approved Plans Condition as set out below to ensure full compliance.

#### **HERITAGE REPAIR SCHEDULE**

**3. CONDITION; A repair schedule for the hut and covered shelter, including a method statement, shall be submitted to and approved in writing by the Local Planning Authority prior to the repair works on site. The works shall be implemented in accordance with the approved schedule and shall be permanently maintained as such.**

**3. CONDITION: The hereby approved works to the Hut and Covered Shelter shall be implemented in full accordance with the Schedule of Works received 16.03.2026 and shall be permanently maintained as such thereafter.**

REASON; In the interests of preserving the heritage significance and historic fabric of the buildings and the wider Conservation Area.

#### **Condition 2 – Amended to include Schedule of Works**

#### **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

- Drawing No. 0000 - Site Plan - Received 12.01.2026
- Drawing No. 0002 - Proposed Block Plan - Received 12.01.2026
- Drawing No. 2000 - Beach Patrol - Proposed Ground Floor Plan – Received 12.01.2026
- Drawing No. 2001 - Beach Patrol - Proposed First Floor Plan - Received 12.01.2026
- Drawing No. 2002 - Covered Shelter - Proposed Ground Floor Plan - Received 12.01.2026
- Drawing No. 2003 - The Hut - Proposed Ground Floor Plan - Received 12.01.2026
- Drawing No. 2010 - Beach Patrol - Proposed South East and South West Elevations Received 12.01.2026
- Drawing No. 2011 - Beach Patrol - Proposed North East and North West Elevations Received 12.01.2026
- Drawing No. 2012 - Covered Shelter - Proposed South East Elevation – Received 12.01.2026
- Drawing No. 2013 - The Hut - Proposed South East Elevation - Received 12.01.2026
- Iguzzini Down Lighter - Received 06.01.2026
- Iguzzini Receipt - Received 06.01.2026
- Electrical Installation Condition Report - Received 06.01.2026
- Flood Risk Assessment - Received 06.01.2026
- Planning, Design, Access and Heritage Statement - Received 06.01.2026
- Preliminary Ecological Appraisal - Received 06.01.2026
- Tier 1 Desk Study Report (1)- Received 06.01.2026
- Tier 1 Desk Study Report (2) - Received 06.01.2026
- Visual Structural Inspection Report - Received 06.01.2026
- Preliminary Roost Assessment - Received 09.01.2026
- **Schedule of Works – Received 16.03.2026**

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.

#### **Additional Conditions**

14 ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

CONDITION: All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal and Preliminary Roost Assessment as submitted with the planning application.

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 and maintained as approved thereafter.

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

#### 15 PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

CONDITION: Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, 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 and 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).

#### **A.5 – 25/01832/OUT 59 Harwich Road, Lawford**

No updates.