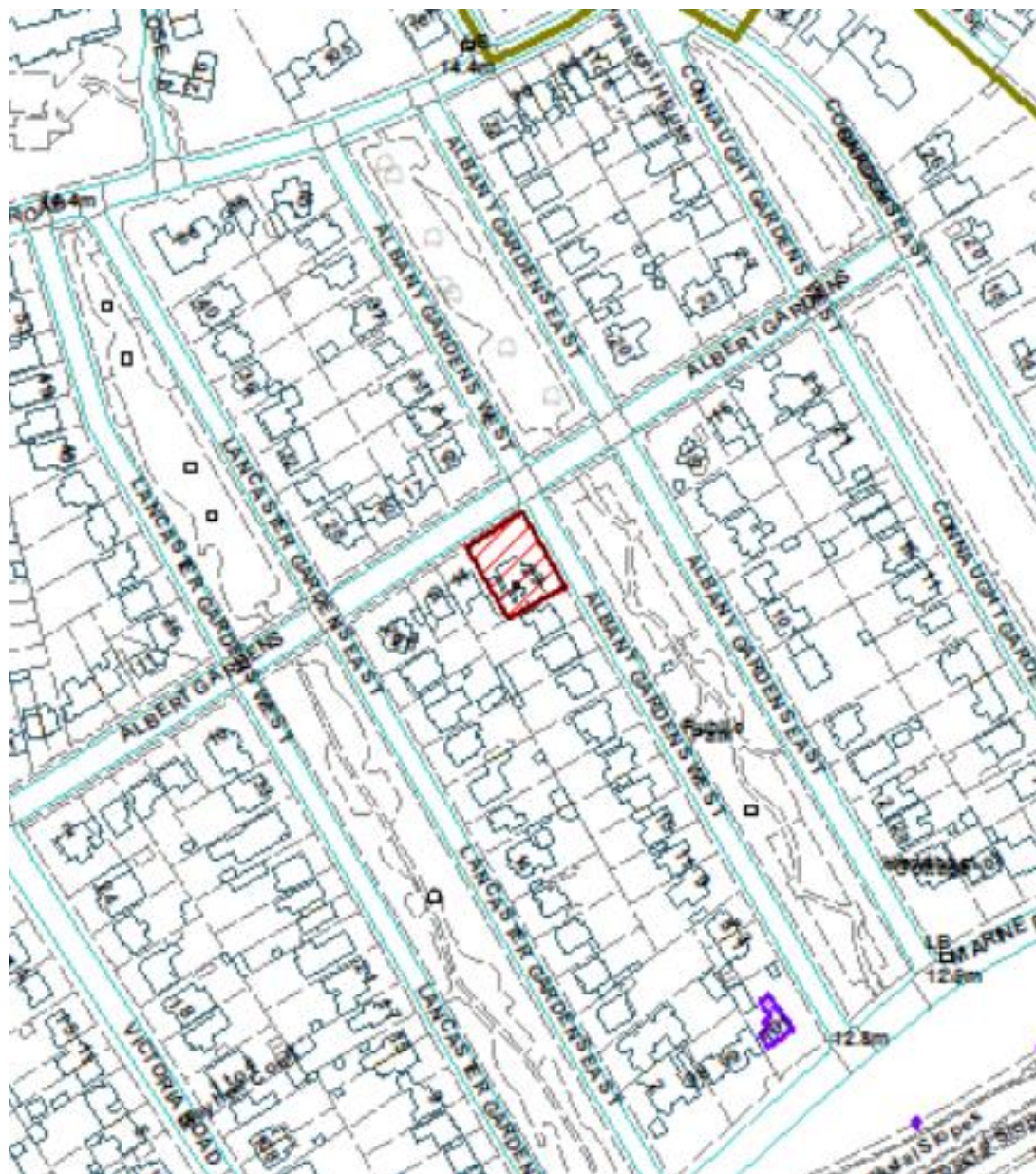


PLANNING COMMITTEE

7th July 2026

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.2 PLANNING APPLICATION – 26/00580/FUL – ALBANY HOUSE 29 ALBANY GARDENS WEST CLACTON ON SEA CO15 6HN



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Application:	26/00580/FUL	Expiry Date:	15th June 2026
Case Officer:	Charlotte Cooper		
Town/ Parish:	Clacton Non Parished		
Applicant:	Kennedy - Thameside Pathways Ltd		
Address:	Albany House 29 Albany Gardens West Clacton On Sea CO15 6HN		
Development:	Planning Application - Change of use from Dwelling (C3) to Children's Home (C2).		
Referral Reason:	Cllr S. Honeywood as Ward member call-in, see details in report		
Recommendation:	Full Planning approval subject to conditions		

1. Executive Summary

- 1.1 The proposed change of use is considered acceptable and would not result in material harm to the character of the area, heritage assets, highway safety, residential amenity, drainage, ecology or biodiversity interests.

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
LP10 Care, Independent Assisted Living
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL9 Listed Buildings
PPL12 The Gardens Area of Special Character, Clacton-On-Sea
CP1 Sustainable Transport and Accessibility
CP2 Improving the Transport Network

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)
[Essex Design Guide](#)

Local Planning Guidance

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

4. Relevant Planning History

87/01238/FUL	Change of use from single dwelling to Approved geriatric nursing scheme	20.10.1987
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90/00867/FUL	Two storey front extn and first floor single storey rear extn to residential home for the elderly	Approved	27.11.1990
13/00900/FUL	Change of use from registered residential home for the elderly to private dwelling (retrospective application).	Approved	28.10.2013
13/01231/FUL	Single storey side extension.	Approved	07.01.2014

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

19.05.2026

The information that was submitted in association with the application has been fully considered by the Highway Authority. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material and google earth image.

Given the scale of the proposed development and the area to be available for parking within the site, which complies with Tendring District Council's adopted parking standards therefore, from a highway and transportation perspective the proposal is acceptable to the Highway Authority.

The development accords with the National Planning Policy Framework 2024 (NPPF) and the Highway Authority's Development Management Policies.

Essex County Council Adult Social Care

13.05.2026

The proposal is to provide accommodation for up to five children and young people aged 8-17. This would include four bedrooms in the main house, along with a self-contained annex designed to support one young person preparing for independent living, meaning a maximum of five children or young people would be living at the property at any one time.

The children placed in the home would have emotional and behavioural difficulties. The care approach is described as trauma informed.

We also note that the home is intended to be registered with Ofsted and run in line with the Children's Homes (England) Regulations 2015.

We have reviewed our data to provide you with a picture of the current situation in the area in question. In respect to the data regarding children in mainstream homes, the following data is applicable at present:

- How many CYP with Tendring as home district are in mainstream residential care homes? 4.
- How many CYP with Tendring as home district are supported in district in mainstream residential care homes? 0.

- The total number of Essex CYP supported in district in mainstream residential care homes is 4.

In respect to the data regarding children in children with disabilities (CWD) homes, the following data is applicable at present:

- How many CYP with Tendring as home district are in CWD homes? 2.
- How many CYP with Tendring as home district are supported in district in CWD homes? 0.
- The total number of Essex CYP supported in district in CWD homes is 2.

The total number of registered homes in the district is 12.

The total number of registered beds in the district is 42.

At this stage, the applicants have not contacted or discussed their plans with us. We would encourage them to attend one of our weekly Children's Residential drop-in sessions, where colleagues from our residential, commissioning and procurement teams can offer advice, guidance and support on their proposals.

As a general principle, provision with larger numbers of residents or a more institutional presentation does not align with Essex County Council's preferred model, nor with our current sufficiency needs. We note that the applicant is proposing a four-bed home within the main residence, alongside a self-contained annex to support a young person preparing for independent living.

Across Essex, children's homes typically accommodate around four children, with a strong emphasis on creating a homely, therapeutic environment. This supports stability, promotes inclusion within the local community, and enables step-down pathways where appropriate. In this respect, the proposed children's home broadly aligns with our preferred model in terms of scale, for supporting children who are able to live within a group home setting.

In respect to our current sufficiency priorities, there is a particular need to increase smaller-scale provision, specifically solo or two-bed homes for children with more complex needs, where group living arrangements may not be suitable.

Environmental Protection

17.06.2026

Have reviewed the application and noted the noise and Anti-Social Behaviour plan and have no comments to make.

Waste Management

01.05.2026

As a residential care home, provision of waste and recycling services will be chargeable. Local authority provision is 55 litre kerbside boxes for twin stream dry mixed recycling on alternate weekly collection, weekly separate food waste collection and fortnightly residual waste collection from 180 litre wheeled bin

6. Representations

6.1 Details of Committee Referral

Call-in received by:

Cllr Honeywood -Ward councillor for St Pauls ward

Summary of reasons for call-in:

- Contrary to development plan or government Guidance
- Highways Impacts or other traffic issues
- Negative impacts on neighbours

6.2 Parish / Town Council

Clacton is non-parished

6.3 Neighbour / Local Representations

A total of 58 letters of objection have been received in relation to the proposed development; these raised the following summarised material planning considerations;

- Harm to The Gardens Area of Special Character
- Harm to visual amenities / appearance
- Harm to residential amenities
- Highway safety / parking
- Fails to comply with adopted policies PPL12, LP10, HP1, SPL3 and CP1
- Loss of C3 dwelling
- Setting an unwanted precedent

It noted that one comment has stated there was no expiry date completed on the site notice posted at the site, however the case officer's site photos clearly show the date of 28.05.2026. Further comments have been made relating to a 'lack of consultation', however the Council have consulted with the immediate neighbouring dwellings and have also posted a site notice, outside the site which is available for public viewing. The Council are therefore satisfied adequate consultation was undertaken which exceeds the statutory requirements.

Furthermore, many of the objections raise concerns over safety and lack of information relating to the type of people the home will serve. The proposal is for a children's home. The individual reason why children may need the home is not a material planning consideration and the situations leading children to require a safe environment can be varied. If residents have serious safety concerns this would be a police matter.

All other material planning considerations raised have been addressed in the below report.

7. Assessment

Site Context

- 7.1 The application site serves a residential dwelling located on a corner plot at the west of Albany Gardens West and to the south of Albert Gardens. The site is located within the settlement development boundary of Clacton on Sea, as defined by the Tendring District Council's Local Plan 2013-2033 and Beyond. The site is also located within the Gardens Area of Special Character.

Planning History

- 7.2 Planning permission was granted for the change of use from a single dwelling to geriatric nursing home under reference 87/01238/FUL in 1987. In 2013 permission was granted for the change of use from registered residential home for the elderly to private dwelling (Retrospective application), under reference 13/00900/FUL.

Proposal

- 7.3 This application is seeking full planning permission for the change of use from Dwelling (C3) to Children's Home (C2).
- 7.4 The proposal seeks to provide a home to accommodate up to five children and young people aged 8-17 years old. The home comprises of four children's bedrooms within the main home and an attached self-contained annex, able to support one young person ready for a move to independent living.
- 7.5 The home will employ up to 15 members of staff including;
- Registered Manager – Responsible for overall operation, supervision and compliance.
 - Deputy Manager – Supports management and oversees daily routines.
 - Residential Support Workers – Provide direct care and supervision.

It is important to note that whilst the home will employ up to 15 members of staff, no more than 3 members of staff are on site at any time (two carers plus manager).

Staff work on extended 24-48 shifts, minimising daily staff travel. With digital handovers reducing the overlap and avoiding unnecessary comings and goings. The manager works core weekday hours with flexibility for remote work.

- 7.6 The only external changes proposed are for the removal of a window on the ground floor front elevation and replacement with an access door and window, serving the living area.

Principle of Development

- 7.7 Paragraph 61 of the National Planning Policy Framework (NPPF) states: To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community. Paragraph 63 of the NPPF seeks to ensure that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; looked after children; older people; students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes.
- 7.8 Adopted Local Plan Policy LP10 (Care, Independent Assisted Living) confirms that the Council will support the provision of care homes and extra care housing in settlement development boundaries. All new care homes and extra care housing must offer a high quality, safe, secure and attractive environment for their residents and provide sufficient external space to accommodate the normal recreation and other needs of residents, visitors or employees. Proposals shall have no significant material adverse impact on residential amenity, highway safety, or the form and character of nearby settlements and shall be otherwise appropriate in scale and design for their location, having regard to other policies in the Local Plan.
- 7.9 Officers acknowledge that the site provides a small garden area. However, this is considered sufficient to cater for day-to-day domestic needs, such as drying clothes, and does have some space for play. The site is located within a sustainable location with a number of open space areas within walking distance, including the seafront and Eastcliff Recreation Ground and play area, which is approximately a 12-minute walk from the site. The site is therefore considered able to cater for the normal recreation and other needs of residents, visitors and employees. Policy LP10 also requires consideration of residential amenity, highway safety, and the form and character of the surrounding area. These matters are assessed in detail in the relevant sections below and, for the reasons set out in those assessments, the proposal is not considered to result in significant harm in respect of those matters. The proposal is therefore considered acceptable in accordance with Policy LP10.

- 7.10 The Council is currently unable to demonstrate a five-year supply of deliverable housing sites. In such circumstances, paragraph 11(d) of the National Planning Policy Framework (NPPF) requires decision-makers to apply the tilted balance, giving added weight to schemes that contribute to meeting identified housing needs. Paragraph 63 of the NPPF confirms the need for housing for looked after children, such as the current application, to be assessed and reflected in planning policy. The proposed C2 care home use is therefore an alternative form of 'housing' in planning terms and the loss of a standard class C3 dwelling to a class C2 residential care home is not considered to materially impact the housing supply for the district. However, the proposal does provide a specialist form of housing and this carries positive weight in the planning balance.

Scale, Layout & Appearance

- 7.11 Paragraph 135 of the NPPF requires that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, maintain a strong sense of place and create places that are safe, inclusive and accessible.
- 7.12 Adopted Section 1 Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Section 2 Policies SPL3 and LP4 of the Local Plan also require, amongst other things, that developments are designed to high standards and which, together with a well-considered site layout, create a unique sense of place.
- 7.13 The only external changes proposed are for the removal of a window on the ground floor front elevation and replacement with an access door and window, serving the living area. The proposal is therefore considered to have minimal effects on the visual amenity of the area, with the site retaining the appearance of a residential property, in keeping with its surroundings. The proposal is deemed appropriate in terms of its visual impacts.

The Gardens Area of Special Character

- 7.14 The application site is located within the Gardens Area of Special Character. Policy PPL12 of the adopted local plan states that within The Gardens Area of east Clacton, new development shall have particular regard to the special character and appearance of the area. To ensure that this special character is safeguarded, new development shall;

- a. Conform generally to the existing building line;

The only external changes proposed are for the replacement of one window at the ground floor front elevation with an access door and window. The proposal will not result in any changes to the existing building line. The proposal complies.

- b. Be of two-storey scale;

The property will remain of a two-storey scale. The proposal complies.

- c. Conform to the existing density of development and not appear cramped or incongruous in the streetscene;

The only external changes proposed are for the replacement of one window at the ground floor front elevation with an access door and window. This is considered to be a minor change and will not result in the plot appearing overly cramped or incongruous within the streetscene. The proposal complies.

- d. Not include any flats; and

The proposal does not include any flats. The proposal complies.

- e. Be residential, or retain a residential appearance. Commercial uses, including private hotels, guesthouses and offices will not normally be considered appropriate.

The proposal would retain a residential appearance. The change of use is to a small-scale children's home falling within Use Class C2, rather than a commercial use such as a hotel, guesthouse or office. The only external alteration is the replacement of one ground floor front elevation window with an access door and window, and the building would continue to present as a residential property within the streetscene. The proposed occupation and staffing arrangements would remain limited in scale, with up to five children and no more than three members of staff on site at any one time, and would not give rise to a materially commercial or institutional appearance. The proposal therefore complies.

7.15 The proposal therefore complies with Policy PPL12.

7.16 Heritage Assets

7.17 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest.

7.18 Local Plan Policy PPL9 states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric. Where a proposal would cause harm to a Listed Building the relevant paragraphs of the NPPF should be applied dependent on the level of harm caused.

7.19 The application site is located approximately 179 metres from the Grade II listed Moot Hall, which is situated further south on the corner of Albany Gardens West and Marine Parade East. Given the separation distance between the application site and the listed building, together with the intervening built form and the limited nature of the proposed external alteration, the development would preserve the setting of the listed building and would accord with the statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Plan Policy PPL9 and the relevant provisions of the NPPF.

Highway Safety/Parking

7.20 Paragraph 115 of the National Planning Policy Framework seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 116 of the Framework states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.21 Policy SPL3 (Part B) of the Adopted 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 provision is made for adequate vehicle and cycle parking.

7.22 Essex Car Parking Standards state that for C2 uses there should be one parking space per full time

equivalent member of staff, plus one visitor space per six beds. Given that there will be a maximum of three full time equivalent members of staff on site at any one time and a total of 5 resident children, this results in a requirement for a total of four parking spaces. The proposed block plan submitted with this application shows a total number of 7 parking spaces located to the front of the property. The site is therefore able to provide adequate parking, in excess of that required by the Essex Parking Standards. No new or altered means of vehicular access is proposed.

- 7.23 Essex County Councils Highway Authority have been consulted on this application, they have confirmed they have no objection to the proposal, given its scale and available parking provisions.
- 7.24 Officers therefore deem the application acceptable in terms of highway safety.

Impact on Residential Amenity

- 7.25 Paragraph 135 of the NPPF 2024 includes that planning decisions should ensure developments create places that are safe, inclusive, and accessible, and which promote health and well-being with a high standard of amenity for existing and future users.
- 7.26 Section 1 Policy SP7 of the Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 Part C seeks to ensure that development will not have a materially damaging impact on the privacy, daylight, or other amenities of occupiers of nearby properties.
- 7.27 Section 2 Policy SPL 3 Part B requires that new development meets practical requirements and that structures should be designed and orientated to ensure adequate daylight, outlook, and privacy for future and existing residents.
- 7.28 Aside from the replacement window at ground floor level with access door and window to the front elevation, no further external works are proposed. There will therefore be no significant adverse impacts on the loss of light or outlook. The building itself is unchanged, and as such the general physical relationship with the surrounding dwellings will be unaffected.
- 7.29 In terms of activity levels and potential noise, the proposal relates to the care of up to five children, with three members of staff on site at any one time. The staff operate on extended 24-48 shifts, minimising daily staff travel and changeovers. With digital handovers reducing the overlap and avoiding unnecessary comings and goings. The manager works core weekday hours with flexibility for remote work. This arrangement is considered unlikely to result in a material increase in traffic or disturbance in comparison to a fall back position of a large dwelling accommodating extended family or adult offspring. The proposal is not therefore considered likely to give rise to levels of noise or comings and goings materially different from those that could reasonably be expected from a larger family household.
- 7.30 Children living in the home will be engaging in normal domestic routines, and staff movements will be limited to predictable shift changeover periods. As such, the intensity of use would not be expected to create noise or disturbance beyond that typical of a large residential property. The small number of residents, combined with the structure and supervised nature of the care environment, further reduces the likelihood of any unacceptable behaviour or disruption. With three staff on site at all times, this extent of supervision is considered likely to be higher than that expected household arrangements found in C3 uses.
- 7.31 Vehicle movements associated with the proposal are similarly modest. The number of trips generated by staff arrivals, departures and occasional visitors will not significantly exceed the level of activity associated with the lawful C3 use. Accordingly, the impact on neighbouring amenity in terms of traffic, parking and general activity is not considered to represent grounds for refusal.

- 7.32 The proposal is therefore deemed compliant with the above-mentioned policies and is therefore

acceptable in terms of residential amenities. A condition has been imposed limiting the number of children and staff as that applied for to ensure the Local Planning Authority has control over any potential increase in impact due to changes in staff or children level.

Drainage

- 7.33 Paragraph 187(e) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, Paragraph 198 of the NPPF 2025 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.
- 7.34 Adopted Policy PPL5 of Section 2 of the Adopted Local Plan states that all new development must make adequate provision for drainage and sewerage. Connection to the mains is the preferred option having regard to the drainage hierarchy and building regulations requirements.
- 7.35 The submitted application form confirms the proposal is connected to the mains sewer, this is the preferred option, Officers are content the proposal is acceptable in terms of drainage.

Habitats, Protected Species and Biodiversity Enhancement

7.36 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. An informative has been imposed strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Therefore the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

7.37 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. This excludes applications which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow). As the only external works comprise of the replacement of a ground floor window with access door and window the proposal impacts less than 25 sq.m of habitat. This proposal is not therefore applicable for Biodiversity Net Gain.

7.38 Protected Species

In accordance with Natural England's standing advice the proposed development site and surrounding habitat have been assessed for potential impacts on protected species. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

7.39 Ecology Conclusion

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

8. Conclusion

- 8.1 The application seeks planning permission for the change of use of an existing dwelling to a children's home within Use Class C2, the same use as the site was previously before 2013 under the Use Class order. The site lies within the settlement development boundary of Clacton-on-Sea, a sustainable location for development, and the proposal would provide specialist accommodation for looked after children, to which positive weight is afforded. The principle of the development is therefore considered acceptable, particularly having regard to the site's location, the limited impacts of occupation, and the potential fallback position of a fully occupied extended family household with the associated levels of comings and goings.
- 8.2 The physical alterations are limited to the replacement of one ground floor front elevation window with an access door and window. As such, the building would retain its residential appearance and would not result in harm to the character or appearance of the streetscene, the Gardens Area of Special Character, or the setting of the nearby Grade II listed Moot Hall. The proposal would also provide adequate on-site parking, would not result in an unacceptable impact on highway safety, and would not likely give rise to materially harmful impacts upon neighbouring residential amenity in terms of noise, activity, outlook, privacy or general disturbance that would justify refusing planning permission.
- 8.3 The proposal is acceptable in respect of design, heritage, highway safety, residential amenity, drainage, ecology and biodiversity considerations. Subject to the recommended conditions, the development is considered to accord with the relevant policies of the adopted Tendring District Local Plan 2013-2033 and Beyond and the National Planning Policy Framework. There are no material considerations that would indicate a decision other than in accordance with the development plan and, accordingly, the application is recommended for approval.

9. Recommendation

9.1 Approval (no S106 requirements)

Recommendation: Approval

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,

The informative notes as may be deemed necessary.

9.2 Conditions and Reasons

1. COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later the expiration of three

years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. 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. 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 10.04.2026
- Drawing No. 0220/26 B Revised Proposed Block Plan, Floor Plans and Front Elevation.
- Planning Statement – Received 10.04.2026
- Care Management Plan – Received 10.04.2026
- Good Neighbourhood and Community Engagement Plan – Received 10.04.2026
- Local and National Need Statement – Received 10.04.2026
- Missing child Protocol and Police liaison strategy – Received 10.04.2026
- Noise and Anti-Social Behavioural Plan – Received 10.04.2026
- Security Statement – Received 10.04.2026
- Sustainable Travel Statement – Received 10.04.2026
- Waste Management Plan – Received 10.04.2026

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. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be

considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

3. COMPLIANCE REQUIRED; LIMITATION ON NUMBER OF RESIDENTS

CONDITION: The use hereby permitted shall operate with a maximum of five children aged 17 or under residing at the property at any one time, and a maximum of three members of staff working at the site at any one time.

REASON: To enable the Local Planning Authority to retain control over the intensity of the use, having regard to the residential character of the area, the basis on which the proposal has been assessed, and to protect the amenities of neighbouring occupiers.

Informatives

Biodiversity Enhancement Informatives

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include:

<https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

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 likely have direct equality impacts on this target group.	Positive
Disability	The proposal put forward will likely have direct equality impacts on this target group.	Positive
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. There are none in this matter.

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/>.