



PLANNING COMMITTEE

DATE: Tuesday, 16 January 2024
TIME: 5.00 pm
VENUE: Committee Room - Town Hall,
Station Road, Clacton-on-Sea, CO15
1SE

MEMBERSHIP:

Councillor Fowler (Chairman)
Councillor White (Vice-Chairman)
Councillor Alexander
Councillor M Cossens
Councillor Everett

Councillor McWilliams
Councillor Placey
Councillor Sudra
Councillor Wiggins

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DATE OF PUBLICATION: Monday, 8 January 2024

AGENDA

1 Apologies for Absence and Substitutions

The Committee is asked to note any apologies for absence and substitutions received from Members.

2 Minutes of the Last Meeting (Pages 1 - 12)

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on Tuesday 19 December 2023.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests of Non-Registerable Interests, and the nature of it, in relation to any item on the agenda.

4 Questions on Notice pursuant to Council Procedure Rule 38

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District **and** which falls within the terms of reference of the Committee.

5 Report of the Director (Planning) - A.1 - 23-01540-FUL and 23-01539-LBC - Mauds Court Long Lane, Tendring, CO16 0BG (Pages 13 - 36)

Proposed conversion of a coach house into a 2 bedroom residential dwelling.

6 Report of the Director (Planning) - A.2 - 23-01375-FUL - Parkeston Railway Club, Hamilton Road, Parkeston, CO12 4PQ (Pages 37 - 52)

Proposed permanent siting of 4 no. storage containers to rear of property to be used as storage.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Planning Committee is to be held in the Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 5.00 pm on Thursday, 15 February 2024.

Information for Visitors

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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 19TH DECEMBER, 2023 AT 5.00 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Fowler (Chairman), White (Vice-Chairman), Alexander, M Cossens, Everett, McWilliams, Placey, Sudra and Wiggins
In Attendance:	Gary Guiver (Director (Planning)), John Pateman-Gee (Head of Planning & Building Control), Joanne Fisher (Planning Solicitor), Jacob Jaarsma (Planning Team Leader)(except item 69), Michael Pingram (Planning Officer), Madeline Adger (Leadership Support Manager), Bethany Jones (Committee Services Officer) and Hattie Dawson-Dragisic (Performance and Business Support Officer)

62. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions submitted on this occasion.

63. MINUTES OF THE LAST MEETING

It was moved by Councillor Alexander, seconded by Councillor Placey and:-

RESOLVED that the minutes of the meeting of the Committee, held on Tuesday 21 November 2023 be approved as a correct record and signed by the Chairman.

It was moved by Councillor McWilliams, seconded by Councillor Sudra and:-

RESOLVED that the minutes of the special meeting of the Committee, held on Monday 27 November 2023, be approved as a correct record and signed by the Chairman.

64. DECLARATIONS OF INTEREST

Councillor McWilliams declared for the public record in relation to report **A.3 – 23/01312/FUL – Fir Tree House, Plough Road, Great Bentley, CO7 8NA** that she was the Ward Member. She advised the meeting that therefore she would not participate in the Committee’s deliberations and decision making for this application and that she would leave the room.

65. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were no such Questions on Notice submitted by Councillors on this occasion.

66. REPORT OF THE DIRECTOR (PLANNING) - A.1 - 23/01145/FUL - 87 HUNGERDOWN LANE, LAWFORD, CO11 2LY

Committee members were told that this application had been referred to the Planning Committee as the proposed development would conflict the requirements of the Development Plan, principally Policy SPL2 (Settlement Development Boundaries) of the Tendring District Local Plan 2013 – 2033 and Beyond Section 2 (adopted January 2022)

being located outside of any defined settlement development boundary and had an Officer recommendation of approval.

Members were told that the proposed dwelling was sited in a different location being further along the east adjacent to the prior approval building, but it was of a very similar small size, design, and it also retained the same number of bedrooms. Officers were content that the proposal would not be harmful to the character and appearance of the surrounding area, and that, in part, it was a desirable improvement over the prior approval 23/00739/COUNOT as the new siting reduced the impact on neighbouring amenity.

Committee members heard that there were no significant issues in respect to neighbouring amenities or harm to trees. Essex Highway Authority had raised no objections and there was sufficient space for parking.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and an Officer recommendation of approval.

At the meeting, an oral presentation was made by the Council’s Senior Planning Officer (MP) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting with details of an additional proposed condition which was as follows:

“CONDITION: Prior to the first occupation of the hereby approved dwellinghouse, the existing agricultural building (subject of 23/00739/COUNOT and shown as being demolished on drawing P01c) on the site must be completely demolished and all materials resulting therefrom shall be cleared from the site.

REASON - The development hereby permitted has only been supported on the basis that the existing agricultural building be removed from the site to justify their replacement with a single dwelling which ordinarily would be contrary to the development plan which directs new development to sites within settlement development boundaries.”

There were no Public Speakers on this occasion.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
<i>Have we moved the new proposed building away from the pylon?</i>	<i>The new proposed building has moved slightly closer to the line but is still a significant way apart and Officers have no reservations for this application.</i>
<i>Is pylon close but on a new site?</i>	<i>Yes, it is approximately 20 metres away – this is not exact. An extra condition has been added to avoid both buildings being built out.</i>
<i>Could Officers expand on the point 6.34 of the Officer report?</i>	<i>6.33 of the Officer report is the consultee comments that Officers received from the Tendring District Council Tree & Landscape Officer, so Officers have to take their comments</i>

	<p><i>into account to work out the overall impact to the development. Paragraph 6.34 of the Officer report is an Officer summary of the position, taking into account those comments but the reasons that are listed with that paragraph, Officers have concluded that there will not be significant harm to the character. The comments from TDC Tree & Landscape Officer were received prior to the amended drawings that had a different design before. Given that there is Prior Approval consent, even with the 20-metre distance away, Officers do not consider that there will be a significant harm to the character of the area that would warrant recommending refusal.</i></p>
<p><i>Where is the nearest sewer to these properties and are the properties serviced by main sewage?</i></p>	<p><i>In terms of whether the other properties are serviced by main sewage, Officers cannot confirm that but can confirm that the nearest mains runs along Hungerdown Lane but it is an excess of 30 metres apart which is the threshold for one dwelling, it is approximately 50-60 metres away so, therefore there is no requirement to connect to the mains and then Officers move to the next stage in terms of Private Treatment Facilities, a Package Treatment Plant is at the top of hierarchy that is outlined by the Environment Agency.</i></p>
<p><i>Can you explain the conflict between TDC policy and FDA?</i></p>	<p><i>The policy PPL5 refers to Private Sewage Treatment Facilities which will not be permitted if there is an accessible public foul water sewer, then you have to question what is accessible. There is no position in the policy in respect of distance in that regard of what is deemed as accessible. Accessible could be what is reasonably accessible, it could be about finance or distance. It is not defined by policy. The policy then goes on to talk about 'Practical Option', ultimately, Officers have to take a balance and Officers have taken a position of Building Regulations do help Officers to a degree to consider the 30 metre distance – that is a reasonable position to take in that lack of definition but, ultimately, that is a judgement Councillors may want to take further in their debate. However, Officers would question that, if Councillors do want to discuss this then they might also want to discuss harm in terms of demonstrable harm to the environment and the ground water and so on so Officers can readily prove that position if they had to.</i></p>
<p><i>In terms of balancing and harms, do we need to take that</i></p>	<p><i>Yes, that is correct. Councillors need to take all of that into account as a whole.</i></p>

<i>into account as a whole?</i>	
<i>Is there a conflict at any point about enlarging the site to be whatever size the applicant wants it to be?</i>	<i>In terms of the “site”, Officers believe that the application refers to a sufficient plan to identify the site but does not necessarily mean it has to be a redline boundary. What Councillors have in front of them is not an extension, it is a separate full application to be determined on its merits. Officers are saying that the Class Q notification, be it a different site, is a material consideration for which Officers could have a net gain of 1 house there but Officers are saying they are shifting the house across slightly, is there no material in the balance to make a massive difference in terms of harm and impact, and therefore Officers are balancing that and are controlling it and there will still only be 1 house. Officers are comfortable that that is a reasonable and defensible position to have. There is no policy that says that you can’t move away by a certain amount of distance.</i>
<i>In terms of the fallback position, Councillors have to weight that fallback position because the site is only a 20th of the new site that we have got, do we give it 20th of the weight, how do we square that?</i>	<i>Officers have not come across that sort of question in the context of an argument. It’ll be breaking new ground with an argument of weight application depending on distance from the original Class Q building. Officers’ opinion would be that in your debate, it is seen as relatively close in proximity to give it significant weight as Officers would do as if it was overlapping the site. If it was moved further away, Councillors can start getting into argument, but Officers opinion would be that at this moment, given its proximity and relationship with the surrounding existing buildings and neighbouring businesses etc, that it would be difficult to put such a mathematical approach to that.</i>

It was moved by Councillor White, seconded by Councillor McWilliams, and:-

RESOLVED that:-

- 1) the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 8.2 of the Officer report and the amendment to Condition 9 to read: “*prior to demolition of the existing building*” and the added Condition from the Officer Update Sheet which will itself be amended to be “*prior to commencement of the occupation of the dwelling*”, 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 sending of informative notes to the applicant as may be deemed necessary.

67. REPORT OF THE DIRECTOR (PLANNING) - A.2 - 23/01514/FUL - 5 BROOK STREET, MANNINGTREE, CO11 1DJ

Members were told that this application was before the Planning Committee owing to the fact that the applicant was an elected Member of the Council, and the application was being recommended by Officers for approval.

The Committee heard that the proposal was for the change of use of a residential dwelling into office use and given that the site fell within the Manningtree Town Centre such a use was supported in this location.

Members were informed that whilst the building was Grade II Listed and located within the Mistley and Manningtree Conservation Area, it was concluded by Officers that there was no harm to those heritage assets, given that no alterations were proposed and nature of the use. Furthermore, there would be no harmful impacts to neighbouring amenities to warrant refusal.

Members also heard that the Officers noted that there was no proposal to include parking provision, however, they had also acknowledged the site’s highly sustainable location within the Manningtree Town Centre and that therefore they had not considered that matter to be significantly harmful to result in a refusal.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council’s Senior Planning Officer (MP) in respect of the application.

There were no updates circulated to Members for this application.

There were no public speakers for this application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
<i>Can Officers confirm that this application is only before Members because the applicant is an elected Member?</i>	<i>Yes, that is correct.</i>
<i>Is there going to be any physical changes to the building apart from its use?</i>	<i>That is correct. There are no external or internal alterations. There is an informative for clarity, section 8.3 of the Officer report, to outline that if the applicant were to make any internal alterations after this application is approved then they would need Listed Building consent.</i>
<i>Is parking applicable at the moment?</i>	<i>In terms of the parking, there is no parking provided and Essex Parking Standards state that for an office use of</i>

	<i>this size there should be up to 3 parking spaces but given the sites location, it is in of walking distance to amenity areas and facilities and Officers have fallen on the judgement that the lack on parking is acceptable on this occasion. Also, the existing residential has no parking either.</i>
<i>What is the use of the building?</i>	<i>The offices are to be, according to the heritage statement submitted, used for CDC advise and TDC Officers do not know anymore than that.</i>

It was moved by Councillor Everett, seconded by Councillor Alexander and unanimously:-

RESOLVED that:

- 1) the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 8.2 of the Officer report, 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 sending of any informative notes to the applicant, as may be deemed necessary.

68. REPORT OF THE DIRECTOR (PLANNING) - A.3 - 23/01312/FUL - FIR TREE HOUSE, PLOUGH ROAD, GREAT BENTLEY, CO7 8NA

Earlier on in the meeting as reported under Minute 64 above, Councillor McWilliams had declared that she was the Ward Member. She therefore withdrew from the meeting and took no part whilst the Committee deliberated and made its decision on this application.

Members were told that this application was before Members as Officers were recommending approval for a proposal that represented a departure from the Local Plan. The application sought planning permission for a new residential development outside of the Great Bentley Settlement Development Boundary (SDB) as defined currently within the adopted Tendring District Local Plan 2013 to 2033 and Beyond.

The Committee was told that the application site served a vacant piece of land, currently in use as part of the side garden for Fir Tree House, located amongst established residential development to the eastern side of Plough Road.

Officers informed Members that the application sought full planning permission for the erection of a detached two-storey dwelling with vehicular access from Plough Road.

The Committee was made aware that the site currently benefited from a previous, and currently still extant, planning approval 20/01618/FUL for the erection of a detached dwelling with new vehicular access. This approval was extant and would expire on 23 February 2024. It was important to note that this approval had been granted under a previous Tendring District Local Plan (2007), whereby the site had been included in the

settlement development boundary of Aingers Green. The current application was essentially looking to extend the timeframe of that approval.

Members were further informed that the site lay approximately 0.63km (629.5 metres) outside of the settlement development boundary of Great Bentley and was therefore contrary to the spatial strategy set out within the Tendring District Local Plan Policy SP3 and Policy SPL2. Whilst Policy SPL2 did not explicitly preclude residential development outside of the defined boundary, it nevertheless required decision makers to carefully consider the scale of development in relation to the settlement hierarchy category, site-specific characteristics, and sustainability of the site.

Officers told Members that the site benefited from a bus stop directly to its front for services to nearby Great Bentley and Colchester. The site was therefore considered by Officers to be reasonably accessible to a range of services and facilities.

Furthermore, Members were finally told that, as briefly mentioned before, another key material consideration lay in the existence of an extant planning permission for the construction of a detached dwelling with vehicular access at the site. Officers believed that this significantly tipped the planning balance in favour of approval despite the high-level policy conflict in regard to the location of the site outside of the defined settlement boundary. Moreover, the development would not result in the opinion of Officers in any material harm in terms of design, impact, residential amenities, or highway safety over and above the extant approval, and it was also considered to be acceptable in all other regards.

An Officer Update Sheet had been circulated to Members prior to the meeting with information about a Discharge of Conditions Application, it was as follows:

“In relation to the extant planning permission at this site, 20/01618/FUL, a Discharge of Conditions Application has been submitted for the only pre-commencement condition relating to this application (Condition 13 – Landscaping) under application reference 23/01687/DISCON. This application was approved by the local planning authority on 08.12.2023. The submission and approval of this application shows clear intent from the applicants to carry out the previously permitted development under application reference 20/01618/FUL, giving significant weight to the extant permission which serves as a material planning consideration of some weight.”

There were no public speakers for this application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
<i>Have we got the distances between the 2 trees and the suggested property?</i>	<i>Yes, there are 2 trees and the distance from the rear elevation to the trunk of the cedar tree is approximately 2.7 metres and the distance to the cherry tree from that corner is approximately 2.6 metres. It is important to recognise that Officers have discussed the issues of trees and the contribution that these trees make to the area with the Council’s Tree and Landscape Officers and the position is that these trees fail</i>

	<p><i>to meet the threshold for formal legal protection. So, they fail to be on the bar for high public amenity value for it to be protected under the Tree Preservation Order and in addition to that, Officers have that extant permission of significant weight in the same location and same dwelling which can be implemented tomorrow or within the next month and a half.</i></p>
<p><i>Does fulfilling a pre-commencement condition constitute starting the development?</i></p>	<p><i>No, it does not but, for decision makers it changes the weight because it changes the way it moves the developer closer to that point where they can just move in with the builders, diggers or whatever the case may be.</i></p>
<p><i>Can the Council put a condition in the report that if the trees were to be taken out, they are to be replaced?</i></p>	<p><i>That can happen in one format or another, that can be debated, and Officers are adding a landscaping condition which is because of the details of the site and its uniqueness. Officers would like to see some landscaping there.</i></p>
<p><i>Did you say it was 2.71 metres from the rear of the property?</i></p>	<p><i>Yes, the distance from the rear elevation of the proposed dwelling to the tree trunk will be approximately 2.7 metres.</i></p>
<p><i>Is there no scope to control root growth rather than remove it?</i></p>	<p><i>The honest answer is that Officers do not know. There is an extant planning permission that they can implement as soon as tomorrow, and these trees are not protected. This is an odd application because Councillors have already approved this house and everything that goes with it including accepting the trees at the back. The applicants can go ahead with exactly what was on the screen until 23 February 2024. The only thing this application represents is an extension of time and Officers have said that they do not want to keep extending the application for 3 years each time, so Officers have now recommended 1 year to allow the applicants that time. With the extant permission, Officers have a discharging condition for landscaping and the landscaping scheme shows the 2 trees being retained so therefore, the condition, if that proposal was to go ahead, kicks in. Which means that if those 2 trees were damaged and removed, then they would have to be</i></p>

	<p><i>replaced within 5 years. Could have a variant tree on the location. With the scheme before Members, it has the same conditions as before and Officers would seek to retain those trees. Should there be a proposal for these trees to be removed, Officers have not recognised them to be of value to be retained so there is that consideration.</i></p>
<p><i>What would the trees be replaced with if they were to be removed?</i></p>	<p><i>Officers' professional opinion must consider the material consideration that Councillors have before them which is the application that can go ahead. In respect of the trees, they are not up for being replaced and Officers have a condition that has been secured for one application and Officers would seek to secure it again to retain these trees. If a replacement was proposed, it is at that point that Officers consider what the replacement should be. The replacement should be the equivalent but there is an option within the wording of the condition to allow Officers to consider the alternatives but that is not before Officers now.</i></p>
<p><i>What would the amenity area for a 4-bedroom house be and does it still meet it on its new footprint?</i></p>	<p><i>With the adoption of the Council's new Local Plan, Officers do not have specific allocated private amenity areas attached to different dwelling size. The policy talks about private amenities space and gardens need to meet the expectations of occupiers. Officers have looked at that and consider that the proposal, subdivision element, will not result in a substandard amenity space or a garden that will fail to meet the needs and expectations of the existing occupiers and in addition to that, there is an extant permission in place that could be implemented at any time.</i></p>

It was moved by Councillor Cossens, seconded by Councillor Placey and:-

RESOLVED that:-

- 1) on appropriate terms as summarised below and those as may be deemed necessary to the satisfaction of the Head of Planning and Building Control, and subject to Unilateral Undertaking securing:
 - a financial contribution of £156.76 towards RAMS

- 2) the Head of Planning and Building Control be authorised to grant planning permission subject to the Unilateral Undertaking and conditions as stated at paragraph 8.2 of the Officer report, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,
- 3) the sending of any informative notes to the applicant as may be deemed necessary.

69. REPORT OF THE DIRECTOR (PLANNING) - A.4 - ENFORCEMENT REPORT, NOVEMBER 2023

The Committee was given an updated report on the following areas, in accordance with the Council's approved planning policy:-

- number of complaints received/registered in the quarter;
- number of cases closed in the quarter;
- number of acknowledgments within 3 working days;
- number of harm assessment completions within 20 days of complaint receipt;
- number of site visits within the 20 day complaint receipt period;
- number of update letters provided on/by day 21;
- number of live cases presented by category, electoral ward and time period since receipt;
- enforcement-related appeal decisions.

At the meeting, an oral presentation was made by the Council's Head of Planning and Building Control (J-PG) in respect of the report.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>In terms of Wards, what number of enforcement cases are in the Frinton Ward?</i>	<i>22, it is on page 87 of the Agenda.</i>
<i>That number is for the Frinton and Walton Town Council area, what are Officers going to do to fix this data?</i>	<i>On examination of the data, it is noted that the Parish data for Frinton and Ward that includes Frinton are the same and that could be misleading. Officers can only produce Parish information currently and it is grouped later to form Wards. The easiest solution would be to remove the Ward information and keep Parish only information in order to be clear. If Officers had to go into Wards, then they would need to remap the software.</i>
<i>Could the Council commission anyone to do it?</i>	<i>In Tendring, Parishes can be split by the Ward, so unfortunately because the information is recorded by Parish – the software doesn't take into account that split when it then translates into what Ward to allocate to. Ward only would be a manual exercise of going through all of the cases Planning have currently got and having to find</i>

	<p><i>a place to put that information into the software which is not controlled by this Council as it is fixed and a national software. Therefore, Officers would have to work out how to manually drive this particular point. Officers will try and provide more accurate Ward information on the next report.</i></p>
<p><i>Is there a specific site in St Osyth for this high figure?</i></p>	<p><i>In St Osyth, the main driver for the majority of those cases is occupation of particular units whether they should be occupied all year round or not and those are historical cases. The Council have been concentrating on Bel-Air and issues around that area. Officers have put a recommendation to Management Team on Bel-Air that Officers are now taking a little bit further time to look at.</i></p> <p><i>Officers can move onto reviewing Point Clear in the new year which is a separate matter. Officers suspect by April 2024 that figure will drop dramatically as we review those cases in the next 3-4 months.</i></p>
<p><i>When are we going to see some action for Bel-Air?</i></p>	<p><i>There is a report that recommending action, there are at least 2 options that have been presented to Management Team. They have not been agreed currently as further information for one recommendation is needed, Officers shouldn't discuss this matter further in this forum at this stage. However, it is being actively pursued. It had taken time as there are over 300 plots, each one has a planning history that has to be understood and correct information obtained to avoid risk to the Council for any action intended.</i></p>

[NOTE: Following the meeting, Officers have since found a solution to the problem above in Minute 69 and will be able to provide Ward data direct once the Access Report is updated to include this additional data]

RESOLVED that the contents of this report be noted.

The meeting was declared closed at 6.49 pm

Chairman

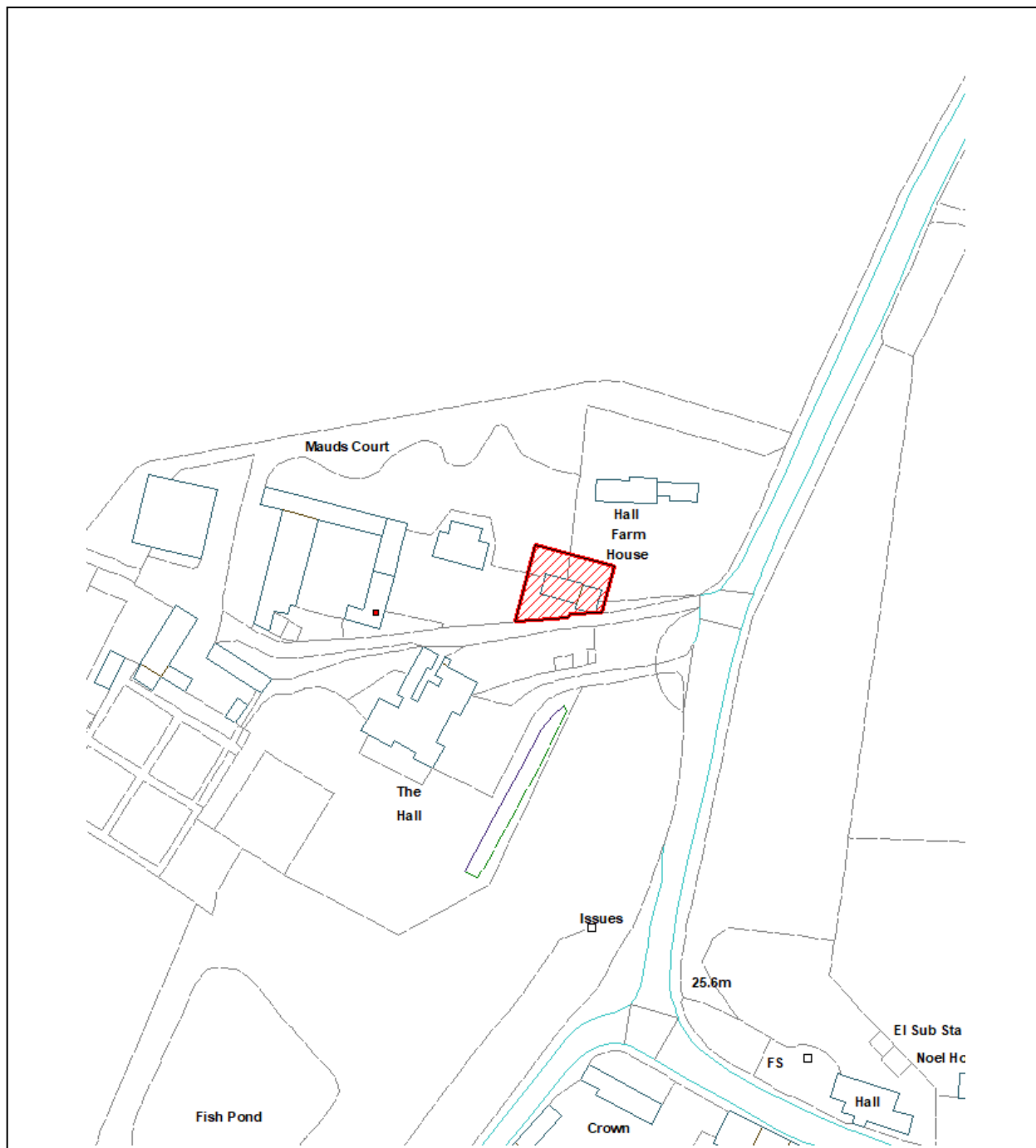
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PLANNING COMMITTEE

16th January 2024

REPORT OF THE DIRECTOR OF PLANNING

A.1. PLANNING APPLICATION – 23/01540/FUL AND 23/01539/LBC – MAUDS COURT LONG LANE TENDRING CLACTON ON SEA CO16 0BG



DO NOT SCALE

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Application:	23/01540/FUL and 23/01539/LBC	Expiry Date:	25th December 2023
Case Officer:	Alison Pope	EOT Date:	25th January 2024
Town/ Parish:	Tendring Parish Council		
Applicant:	Mr Joe Plunkett - Maud's Property Management Limited		
Address:	Mauds Court Long Lane Tendring Clacton On Sea CO16 0BG		
Development:	Proposed conversion of a coach house into a 2 bedroom residential dwelling		

1. Executive Summary

- 1.1 The application is before Members as the proposal represents a departure from the Local Plan, proposing new residential development outside of the Tendring Settlement Development Boundary (SDB) as defined within the adopted Tendring District Local Plan 2013 to 2033 and Beyond.
- 1.2 The application relates to a single storey timber coach house within the setting of the Grade 2 listed Tendring Hall and likely having formed part of the former Tendring Hall Estate. The site is located on the northern side, at the eastern end of Long Lane, with the dwelling of Suffolk Barn immediately to the west and the dwelling of Hall Farm House immediately to the north.
- 1.3 The site lies outside of the defined SDB of Tendring. The application is therefore contrary to the spatial strategy set out within adopted Local Plan Section 1 Policy SP7 and Section 2 Policy SPL2. However, Local Plan Policy SPL2 does not preclude residential development outside of the defined boundary, but rather requires careful consideration of the scale of development in relation to the settlement hierarchy category, site-specific characteristics, and sustainability of the site.
- 1.4 The site-specific merits of the case considers great weight is attributed to the conservation of the designated heritage assets. The coach house lies within the Tendring Conservation Area and within the setting of the listed building. In addition, villages are still under pressure to grow and some small-scale development which is sympathetic to the rural and often historic character of the settlement might help younger people to continue to live in the area, keep services viable and help bring balance to an ageing population.
- 1.5 The proposed two bedroom dwelling will convert the existing coach house, ensuring its external appearance in terms of its form and use of materials remains the same. Officers are satisfied that existing services and facilities within or near Tendring would be capable of supporting the proposed development of one dwelling.
- 1.6 Although the application site is outside of the defined settlement development boundary, the development would not result in any material harm in terms of scale, layout and design, heritage impact, residential amenities or highway safety, and is acceptable in all other regards.

Recommendation: Approval, subject to S106

- 1) On appropriate terms as summarised below and those as may be deemed necessary to the satisfaction of the Head of Planning and Building Control to secure the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters:
 - **RAMS financial contribution** of £156.76 for one dwelling (index linked) toward recreational disturbance at the Hamford Water Special Protection Area, Special Area of Conservation and Ramsar site.
- 2) That the Head of Planning and Building Control be authorised to grant planning permission subject to the agreed section 106 agreement and conditions as stated at paragraph 8.2, 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,
- 3) The informative notes as may be deemed necessary.

Or;

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

2. **Planning Policy**

National:

National Planning Policy Framework December 2023 ([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)

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP7	Place Shaping Principles

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

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP5	Open Space, Sports and Recreation Facilities
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
PPL7	Archaeology
PPL8	Conservation Areas

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

Supplementary Planning Documents

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

Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

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 Council 2013-33 and Beyond Local Plan (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 brought into force.

In relation to housing supply:

The Framework requires Councils boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our

Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

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

3. **Relevant Planning History**

23/01539/LBC	Proposed conversion of a coach house into a 2 bedroom residential dwelling.	Current
23/01540/FUL	Proposed conversion of a coach house into a 2 bedroom residential dwelling	Current

4. **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/>.

Essex County Council Archaeology

11.12.2023

The coach house was not included in a historic buildings survey in 2001 for the farm buildings of Tendring Hall Estate and there is potential that the coach house may also predate the 19th century planned farmstead. Evidence for the age and origin of the building may survive and will be impacted upon by the proposals.

The East Anglian Landscape was of major international importance in the development of the 'Victorian High Farming tradition' when new ideas culminated in significant alterations in the design and layouts of buildings.

The following recommendation is made in line with the National Planning Policy Framework (Para. 205):

1. No demolition or development of any kind shall take place until the applicant has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.
2. No development of any kind shall take place until the completion of the programme of investigation identified in the WSI defined in 1 above.
3. The applicant will submit a historic buildings report for approval by the local planning authority and deposition of a digital archive with the Archaeological Data Service (ADS).

ECC Highways Dept

08.11.2023

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this

planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study. The new dwelling will have two off street parking spaces with easy access to public transport facilities. No new or altered means of vehicular access is proposed, access will be provided via Long Lane as it currently is and will not change, it is not considered that the use of the building as a dwelling would give rise to a significant increase in vehicle movements to and from the site or result in a material change in the character of the traffic in the vicinity of the site.

No objections subject to conditions.

Tree & Landscape Officer

10.11.2023

The information submitted in support of the application identifies the need for the removal of a medium sized conifer situated close to the existing building.

The conifer is a reasonably well formed and healthy specimen however its size and position are such that it makes little contribution to the appearance of the public realm. Consequently, it does not merit retention or formal legal protection by means of a tree preservation order (TPO).

In terms of the impact of the development proposal on the wider appearance of the area there appears to be no public benefit to be gained by securing new soft landscaping associated with the proposed development.

UU Open Spaces

22.11.2023

The Council's Open Spaces Team have identified a deficit of equipped play and open space, however in this case a financial contribution is not justified or relevant to this application.

Environmental Protection

13.11.2023

No objections subject to conditions relating to:

1. Contaminated Land watching brief and remediation
2. Management of asbestos
3. Construction activities including working hours and prevention of burning on the site

Essex County Council Heritage

23.11.2023

The proposal site is the former Coach House to 17th Century Grade II Listed Tendring Hall, within the Tendring Village Conservation Area. The Hall and some of the farm buildings are already depicted in the 1777 Chapman and Andre map of Essex, and the Coach House clearly identifiable on the 1840 Tithe map. It is therefore likely that this was initially built before the 19th century.

Overall, the proposed conversion of the existing Coach House is considered to preserve the character and appearance of the Conservation Area, and those elements of the setting which contributes to the significance of Tendring Hall as a designated heritage asset.

It is not clear whether the proposed replacement Heritage windows and doors are timber frame to match the existing. I anticipate we would not be able to support the use of uPVC windows and doors in Conservation Area and within the setting of a designated heritage asset.

No objections have been raised subject to conditions securing hard landscaping details and details of proposed windows and doors.

5. **Representations**

Parish Council

Tendring Parish Council support this application for 2 bedroom accommodation suitable for downsizers or young couples starting out on the property ladder.

Other Representations

No individual letters of representation or objection have been received.

6. **Assessment**

Site Context

The application site lies on the northern side, at the eastern end of Long Lane in Tendring. The site includes a timber framed single storey coach house. The front of the site and the coach house lie within the Tendring Conservation Area. The site also lies within the setting of the Grade 2 listed Tendring Hall likely having previously formed part of the Tendring Hall Estate.

The Hall residence lies to the south of Long Lane, while the dwelling of Suffolk Barn lies immediately to the west of the application site and the dwelling of Hall Farm House lies immediately to the north.

Further west along Long Lane agricultural buildings have been converted into offices and these form a courtyard with associated parking.

The site lies outside of the defined Settlement Development Boundary of Tendring and this is covered in further detail within the assessment below.

Planning History

There is no planning history for this site.

Proposal

The application seeks full planning permission for the conversion of the existing coach house into a two bedroom dwelling with associated off road car parking and private amenity space.

The form and scale of the coach house will remain with no extensions to the building. Materials that mirror the existing finish will be used where it is not possible to reuse those from the original building.

No new or altered means of vehicular access is proposed, access will be provided via Long Lane as it currently is and will not change.

The private amenity/garden space to the rear of the proposed dwelling will be formed from parts of the gardens of Suffolk Barn and Hall Farm House.

Principle of Development

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). The 'development plan' for Tendring comprises, the Tendring District Local Plan 2013-2033 and Beyond Section 1 adopted in January 2021 and the Tendring District Local Plan 2013-2033 and Beyond Section 2 adopted in January 2022.

Policy SPL2 of Section 2 of the Local Plan confirms that outside of Settlement Development Boundaries, the Council will consider any planning application in relation to the pattern and scales of growth promoted through the Settlement Hierarchy in Policy SPL1 and any other relevant policies in the plan.

Tendring is categorised as a Smaller Rural Settlement as defined in Policy SPL1. It is considered that these smaller rural settlements are the least sustainable, however these villages are still under pressure to grow and some small-scale development which is sympathetic to the rural and often historic character of the settlement might help younger people to continue to live in the area, keep services viable and help bring balance to an ageing population.

The application site lies a distance of approximately 90 metres from the edge of the settlement development boundary of Tendring within walking distance of public transport links, St Edmunds Church, the village hall and the local primary school.

In regard to the location of the site outside the defined settlement development boundary, the scale of development proposed is considered compliant with the settlement hierarchy credentials promoted through Policy SPL1.

The proposed two bedroom dwelling will convert the existing coach house, ensuring its external appearance in terms of its form and use of materials remains the same.

Officers are satisfied that existing services and facilities within or near Tendring would be capable of supporting the proposed development of one dwelling.

For these reasons and with consideration of all material considerations (including areas addressed by the assessment below), the proposal is concluded to represent sustainable development. The specific merits of the application and site would not set a harmful precedent for further development outside defined settlement boundary and would not prejudice the overall spatial strategy of the District.

Scale, Layout and Appearance

As you enter Long Lane, it is bounded by post and rail fencing and mature vegetation with the view opening as you reach the coach house and the application site. From this point Long Lane has an open character with the coach house being the first building visible as you enter from School Road with a view of the side of the listed building on the southern side of the lane and the former farm buildings, now a dwelling and offices directly in front. The buildings of Long Lane are reflective of its out of settlement location and former farm status.

The proposed conversion of the coach house will maintain the form and design of the building while reusing as many of the original materials as possible, although it is not clearly visible

from School Road it will ensure its appearance remains in keeping with the immediate area of Long Lane.

There will be little change to the area in front of and to the side of the coach house which fronts Long Lane, again ensuring the character of the immediate area is preserved.

The proposed private amenity/garden space at the rear of the coach house is made up of parts of the existing gardens of Suffolk Barn and Hall Farm House. New boundary treatment is required however it will not be publicly visible, is not a change in use, nor is it considered to have a detrimental impact on the setting of the listed building or the conservation area.

The proposal is considered acceptable in terms of its design and appearance.

Heritage and Archaeology

Paragraph 195 of the National Planning Policy Framework identifies that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 203 of the National Planning Policy Framework confirms that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 205 of the National Planning Policy Framework affirms great weight should be given to the asset's conservation when considering the impact of a proposed development on the significance of a designated heritage asset.

Policy PPL9 of the Local Plan 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'.

The building proposed for conversion is the former coach house to Tendring Hall, a 17th century listed building which makes a positive contribution to the conservation area and the setting of the listed building. The coach house was not included in a previous survey of the farm buildings of the estate in 2001 and there is potential it may also predate the 19th century planned farmstead.

The coach house is currently in use as a workshop and for storage. Consideration is given to the viable use of the coach house as a dwelling which is likely to lead to the investment in its maintenance necessary for its long-term conservation and value as a Listed Building.

The applicant has submitted a Design and Access Statement incorporating a Heritage Statement to support the application. The statement explains that through the design process they have been careful to maintain the character and aesthetics of the original coach house using good quality historically appropriate materials.

Place Services were consulted for their advice, they offer no objections confirming the proposed conversion of the existing Coach House is considered to preserve the character and appearance of the Conservation Area, ensure long term preservation of a Listed Building and those elements of the setting which contributes to the significance of Tendring Hall as a designated heritage asset. This is given significant weight in the balance.

It is noted however that as the coach house was not included in the previous survey of buildings, a programme of historic building recording in accordance with a written scheme of investigation is recommended and will be secured via condition on the grant of planning permission.

Furthermore, a condition which secures the type and design of windows and doors to be installed will be imposed on the grant of planning permission.

Highway Safety/Parking

Paragraph 114 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 115 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.

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 provision is made for adequate vehicle and cycle parking.

Vehicular access to the proposed dwelling will be via the existing access of Long Lane which serves a number of offices and businesses on the northern side. Long Lane is a tarmac made road as is the proposed parking area with an area in front of coach house which is currently finished in gravel with raised brick bed. Provision of two car parking spaces for the proposed dwelling that meets the minimum car parking standards where one space measures 5.0 Metres x 2.5 metres is met. The proposal also incorporates sufficient turning space in front of the parking spaces.

Essex County Council as the Highway Authority were consulted on the application and confirmed the impact of the proposal is acceptable subject to conditions.

The Highway Authority recommend conditions for no unbound materials, cycle parking, residential travel pack and storage of materials and construction vehicles. These conditions will be imposed on the grant of planning permission.

The proposed dwelling will be fitted with an electric vehicle charging point required to support sustainable transport modes. Details of the electric vehicle charging is required to be submitted including its provision in working order and its maintenance prior to occupation of the dwelling, this will be secured by condition on the grant of planning permission.

Landscaping

The proposal necessitates the removal of a medium sized conifer situated close to the existing building and which lies outside of the conservation area.

The Councils Tree and Landscape Officer has confirmed that the conifer is a reasonably well formed and healthy specimen however its size and position are such that it makes little contribution to the appearance of the public realm. Consequently, it does not merit retention or formal legal protection by means of a tree preservation order (TPO).

The Tree and Landscape officer provides that in terms of the impact of the development proposal on the wider appearance of the area there appears to be no public benefit to be gained by securing new soft landscaping associated with the proposed development.

The siting of the Listed coach house within the setting of the listed hall in its rural location, along with the division of the gardens of Hall Farm House and Suffolk Barn which changes the

shared boundaries requires further details of boundary treatments and associated soft landscaping.

A condition will be imposed on the grant of planning permission to secure these details to prevent incompatible boundary treatments and ensure appropriate planting in this rural location.

Residential Amenity

Paragraph 135(f) of the National Planning Policy Framework states that planning should always seek to secure a good standard of amenity for all existing and future occupants.

Section 1 Policy SP7 of the 2013-33 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. Furthermore, Policy LP4 seeks to ensure that new dwellings are served by a private amenity space of a size and configuration that meets the needs and expectations of residents and which is commensurate to the size of dwelling and the character of the area.

The size of the plot and single storey height of the proposed dwelling allows for a development that will achieve a suitable relationship with neighbouring dwellings, that would not result in any material harm to residential amenities in terms of loss of light, sunlight, overlooking, privacy or outlook.

Private amenity/garden space of at least 180 square metres will be provided to the rear of the proposed dwelling. This garden area is acquired from part of the gardens of Hall Farm House and Suffolk Barn, however both dwellings will retain sufficient amenity space for the size of their respective dwellings.

The proposed development will secure a good standard of amenity for existing and future residents.

Housing Standards

Policy LP3 requires compliance with the nationally described space standards. This standard deals with internal space within new dwellings and is suitable for applications across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

A two bedroom, four person single storey dwelling requires a minimum of 70 square metres of gross internal floor space which includes built in storage of 2 square metres.

From the plans submitted the proposal meets the requirements of the space standards. It is also considered that the internal layout of the proposed dwelling is appropriate, with all habitable rooms having adequate natural light.

Drainage and Sewerage

Policy PPL5 states that all new development must make adequate provision for drainage and sewerage.

The sewerage from the proposed dwelling will be connected to the mains sewer which is considered the preferred approach and acceptable.

The site does not fall within a critical drainage area and there is a no risk of surface water flooding on the site.

Renewable Energy

Chapter 14 of the National Planning Policy Framework supports the transition to a low carbon future in a changing climate while Policy PPL10 of the Local Plan supports renewable energy generation and energy efficiency measures for residential development.

An electric car charging point has been shown on the submitted plan and this will be secured by condition on the grant of planning permission. Apart from the EV charging point no other energy efficiency measures have been submitted with the planning application. Officers are mindful of the heritage status of the site and up to date building regulation requirements that would apply in terms of resource and energy savings.

A condition to secure minimum measures of agreement of a scheme for water conservation including greywater recycling and rainwater capture/re-use for new dwellings, agreement of a scheme for a water consumption rate of not more than 110 litres, per person, per day, agreement of heating, agreement of scheme for waste reduction, provision of a fibre optic broadband connection will be secured on the grant of planning permission.

Environmental Protection

The Council's Environmental Protection team offer no objections to the application subject to conditions relating to a contaminated land watching brief and remediation, the management of asbestos if it discovered or known to be on site and construction activities including working hours and prevention of burning on the site.

The suggested conditions are considered reasonable and necessary and will be imposed on the grant of planning permission.

Financial Contribution – Recreational Disturbance

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.

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.

The application scheme proposes one new dwelling on a site that lies within the Zone of Influence (Zoi) being approximately 4750 metres from Hamford Water SPA, SAC and RAMSAR. However, new housing development within the Zoi would be likely to increase the number of recreational visitors to Hamford Water; and, in combination with other developments it is likely that the proposal would have significant effects on the designated site.

Should the committee resolve to approve the application, a S106 Legal Agreement will secure the necessary financial contributions for RAMS contributions to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Financial Contribution – Open Space

Policy DI1 states that all new development should be supported by, and have good access to, all necessary infrastructure. Local Plan Section 2 Policy HP5 states that the Council will work with partners and sports providers across the district to maintain, expand, and improve the quality and accessibility of public open space, sports and recreational facilities of different types and will aim to achieve and exceed standards set out in the Council's 2017 Open Spaces Strategy (or any future update).

In line with the requirements of Local Plan Policy HP5 the Council's Open Spaces Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution towards public open or play space. Whilst they advise that there is a deficit of equipped play and open space in Tendring, no contribution is being requested on this occasion.

7. Conclusion

The proposal would conserve the heritage assets (conservation area and Grade 2 listed Tendring Hall) in a manner appropriate to their significance with great weight given to the assets conservation as outlined by the NPPF. The relevant policies of the Local Plan as discussed above are given substantial weight in this decision making process. The high-level policy conflict, in regard to the location of the site outside the defined settlement development boundary is not so fundamental that it outweighs the benefits of the scheme, in this case the conservation of heritage assets. Overall taking the policy position and NPPF as a whole, it is considered that this proposal is acceptable in the planning balance.

8. Recommendation

- 8.1 The Planning Committee is recommended to grant planning permission and listed building consent subject to the following conditions in 8.2 and 8.3, informatives and the prior completion of a section106 legal agreement with the agreed Heads of Terms, as set out in the table below:

CATEGORY	TERMS
Financial contribution towards RAMS.	RAMS financial contribution of £156.76

8.2 Conditions and Reasons – 23/01540/FUL

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 (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

The approved red line plan drawing is Site Plan scale 1:1250 received 30 October 2023
Block Plan 1:500
Site Plan showing proposed site layout 1:50
Plan and Elevations 1:50
Roof plan and section
Design and Access Statement including Heritage Statement

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 FURTHER APPROVAL: HERITAGE RECORD

CONDITION: No development to the building shall take place until the applicant or developer has secured the implementation of a programme of historic building/s and associated analysis work in accordance with a written scheme of investigation which have been first submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include a timetable for the programme and arrangements for the deposition of

the archive to an appropriate depository as identified by the scheme and the scheme shall be carried out in its entirety.

REASON: To allow proper investigation and recording of the building/s of potential archaeological and historic significance. This condition is required to be agreed prior to the commencement of works to the building/s to ensure matters of archaeological importance are preserved and secured early to ensure avoidance of damage or loss due to the development and/or its construction. If agreement was sought at any later stage there is an unacceptable risk of loss or damage to archaeological and historic assets.

NOTE/S FOR CONDITION:

This condition engages prior to any works/development taking place that affects the building/s the subject of this decision.

4 ELECTRIC VEHICLE CHARGING

CONDITION: Prior to any above ground works, details of the electric vehicle charging facility shall have first been submitted to and approved in writing by the local planning authority. Thereafter the charging facilities shall be installed in a working order, prior to first occupation of the dwelling and maintained thereafter.

REASON: In order to promote sustainable transport in accord with local policy and NPPF.

5 ACCESS MATERIAL

CONDITION: The access/s hereby approved shall have a bound material surface and shall be laid out for a minimum distance of 5 metres from the edge of the carriageway prior to first use. The bound material as implemented shall then be retained thereafter.

REASON: In the interests of highway safety to prevent hazards caused by loose materials on the highway.

NOTE/S FOR CONDITION:

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

6 FURTHER APPROVAL: RESIDENTIAL TRAVEL PACK PRIOR TO OCCUPATION

CONDITION: Prior to first occupation of the dwelling, a Residential Travel Information Pack (travel pack) shall be provided to each dwelling for use of its first occupiers. The travel pack shall be agreed, in writing, by the Local planning authority prior to provision and shall include a minimum of six one day travel vouchers for use with a local transport operator.

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

NOTE FOR CONDITION: Please contact the Travel Plan Team at ECC Highways via email to Travel.PlanTeam@essex.gov.uk to obtain a Residential Travel Information Pack template and the associated day travel vouchers required.

7 ACTION REQUIRED IN THE EVENT OF UNEXPECTED GROUND CONDITIONS

CONDITION: The Local Planning Authority shall be contacted in the event of unexpected ground conditions being encountered during construction and the below minimum precautions shall be undertaken immediately.

Minimum requirements for dealing with unexpected ground conditions being encountered during construction.

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.
12. After consultation with the Local Planning 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.
13. A Verification Report shall be submitted to and approved in writing by the Local Planning Authority before development can proceed.

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

8 FURTHER APPROVAL: CYCLE PARKING PRIOR TO OCCUPATION

CONDITION: Prior to first occupation of the dwelling, cycle parking shall be provided in accordance with the EPOA Parking Standards. The cycle parking shall be secure, convenient and covered and shall be agreed, in writing, by the local planning authority. The cycle parking shall be maintained and retained in perpetuity.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety, amenity and promoting sustainable transport.

9 AGREEMENT OF MEASURES TO IMPROVE SUSTAINABILITY OF DEVELOPMENT

CONDITION: No development shall commence above slab level until a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include as a minimum:-

- Agreement of a scheme for water conservation including greywater recycling and rainwater capture/re-use for new dwellings.
- Agreement of a scheme to achieve as far as possible a water consumption rate of not more than 110 litres, per person, per day for new dwellings.
- Agreement of heating of each dwelling/building
- Agreement of scheme for waste reduction
- Provision of a fibre optic broadband connection to the best possible speed installed on an open access basis and directly accessed from the nearest exchange, incorporating the use of resistant tubing. (If the applicant is unable to achieve this standard of connection, and can evidence through consultation that this would not be possible, practical or economically viable an alternative superfast (i.e. will provide speeds greater than 30mbps) wireless service will be considered.)

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

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

NOTES FOR CONDITION:

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

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

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

10 COMPLIANCE: CONSTRUCTION ACTIVITY TIMES

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

REASON: To protect the amenity of nearby residential properties.

11 COMPLIANCE: NO BURNING OF SITE MATERIALS OR WASTE

CONDITION: No materials produced during construction as a result of the site development or clearance shall be burned on site.

REASON: To protect the amenity of nearby residential properties.

12 APPROVAL REQUIRED: LANDSCAPING SCHEME

CONDITION: No development above slab level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard, soft and boundary treatment landscaping works for the site, which shall include any proposed changes in ground levels.

REASON: In the interests of visual amenity and the character and appearance of the area.

NOTE/S FOR CONDITION:

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

Should the landscape works include any new hedgerow, please consider the following planting for a native hedge. Native hedge: 50% hawthorn, 25% blackthorn (but beware - this can spread into adjacent fields), 15% field maple, 2% holly, 2% wild privet, 2% guelder rose, 2% dog rose, 2% buckthorn.

13 COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED - LANDSCAPING SCHEME

CONDITION: All changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development, or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

14 HIGHWAYS RESTRICTION

CONDITION: Prior to the first occupation of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be retained thereafter and remain free of obstruction except for the purpose of loading/unloading/reception and storage of materials and manoeuvring and used for no other purpose. Any other area within the site outlined in red not identified shall not be used as loading/unloading/reception and storage of materials and manoeuvring areas.

REASON: To ensure that appropriate loading/unloading facilities are available in the interest of highway safety.

8.3 Conditions and Reasons – 23/01539/LBC

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) 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 consent becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk of both Enforcement Action and Criminal 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 consent .

The approved red line plan drawing is Site Plan scale 1:1250 received 30 October 2023

Block Plan 1:500

Site Plan showing proposed site layout 1:50

Plan and Elevations 1:50

Roof plan and section

Design and Access Statement including Heritage Statement

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 listed building consent 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.

3 FURTHER APPROVAL: HERITAGE

CONDITION: Prior to any work to the windows and doors, detailed elevation and section drawings of the windows and doors (including sections through head, jamb - including construction details of surrounding fabric - frame, stile, mullion, transom, meeting rail, glazing bar, bottom rail, sill or leaded glazing) at 1:2 or 1:10 as appropriate, to be submitted and agreed, in writing, to the Local Planning Authority for approval. The details shall be carried out in full and as may be approved.

REASON: In the interests of protecting and reducing harm to the designated heritage asset.

8.4 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 Informatives

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017. Please note that any subsequent variation/removal of condition applications (s73 applications) will require a new legal agreement to secure this obligation unless the development has commenced (subject to all necessary condition discharges) and the contribution has already been paid.

Asbestos containing materials

Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations

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.

9. Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 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.
- 9.2 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.
- 9.3 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

The proposal overall shall have a neutral impact.

Consultations undertaken with the affected communities or groups have not been required in this case.

No mitigation measures required.

Human Rights

- 9.4 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.
- 9.5 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).
- 9.6 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

- 9.7 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.
- 9.8 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.

10. Background Papers

- 10.1 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/>.

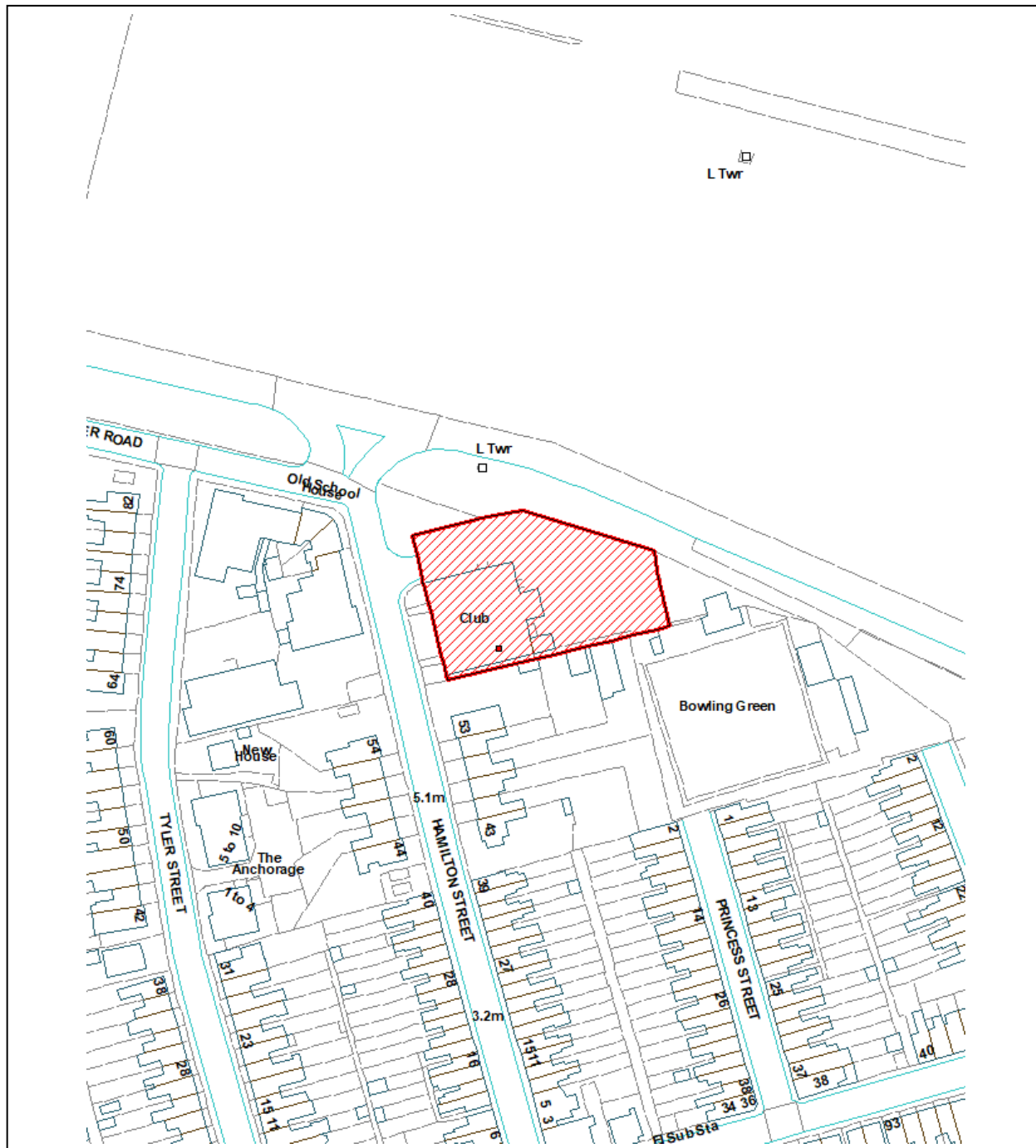
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PLANNING COMMITTEE

16th January 2024

REPORT OF THE DIRECTOR OF PLANNING

A.2 PLANNING APPLICATION – 23/01375/FUL – PARKESTON RAILWAY CLUB HAMILTON STREET PARKESTON HARWICH CO12 4PQ



DO NOT SCALE

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Application:	23/01375/FUL	Expiry Date:	14th December 2023
Case Officer:	Alison Pope	EOT Date:	22nd January 2024
Town/ Parish:	Ramsey & Parkeston Parish Council		
Applicant:	Mr Les Nicol - North Essex Support Team		
Address:	Parkeston Railway Club Hamilton Street Parkeston Harwich CO12 4PQ		
Development:	Proposed permanent siting of 4 no. storage containers to rear of property to be used as storage.		

1. Executive Summary

The application seeks permission to change the use of part of the Parkeston Railway Club car park to site four containers for use by the charity NEST for storage purposes.

Volunteers will access the containers to facilitate deliveries and maintain stock during the day. Local residents/families in need will also be invited to the site by prior arrangement to collect specific items to assist their day to day living.

The proposal is not considered to be harmful to the character and appearance of the area, it will not result in any significant impact to neighbouring amenities, and it is acceptable in terms of highway impacts and flood risk.

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 8.2, 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.

2. Planning Policy

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

National:

National Planning Policy Framework December 2023 ([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)

SP1 Presumption in Favour of Sustainable Development

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

Status of the Local Plan

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 Council 2013-33 and Beyond Local Plan (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 brought into force.

Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

[There is no applicable Neighbourhood Plan for this site.](#)

3. Relevant Planning History

96/01258/FUL	Disabled persons access ramp	Approved	05.12.1996
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4. 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

06.11.2023

The information that was submitted in association with the application has been fully considered by the Highway Authority and they have no comments to make.

Environment Agency

09.11.2023

The Environment Agency have considered the submitted information, do not object to the proposal, however they make the following comments for further consideration.

Flood Risk

Our maps show the site lies within tidal Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for 4 storage containers, which is classified as a 'less vulnerable' development, as defined in Annex 3:Flood Vulnerability classification of the Planning Practice Guidance.

Therefore, to comply with national policy the application is required to pass the Sequential and (Exception Test) (s) and be supported by a site specific Flood Risk Assessment (FRA). We have reviewed this FRA below.

Review of Flood Risk Assessment (FRA)

To assist you in making an informed decision about the Flood Risk affecting this site, the key points to note from the submitted FRA, referenced Parkeston Railway Club, Hamilton Street, Parkeston, Harwich, CO12 4PQ and dated October 2023, are;

Actual Risk

- The site lies outside the flood extent for a 0.5% (1 in 200) annual probability event, including an allowance for climate change.
- The site does benefit from the presence of defences.
- The site level has not been provided.
- Compensatory storage is not required.
- A Flood Evacuation Plan has been proposed.

Residual Risk

- The site level has not been provided therefore flood depths in a breach event are unknown.

Our data shows that the site is not affected during the 0.5% (1 in 200) annual probability including climate change undefended flood event and is up to 5.4m AOD on site the 0.1% (1 in 1000) annual probability including climate change undefended flood event. You may wish to ask the applicant to provide a breach assessment for the development site in their FRA so that you can make a more informed decision on flood risk.

Additional Guidance

Safety of Inhabitants - Emergency Flood Plan

The local planning authorities should formally consider the emergency planning and rescue implications of new development in making their decisions.

Sequential Test / and Exception Tests

The requirement to apply the Sequential Test is set out in Paragraph 161 of the National Planning Policy Framework. The Exception Test is set out in paragraph 164. These tests are your responsibility and should be completed before the application is determined.

In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

5. **Representations**

Parish Council Consultation

Ramsey and Parkeston Parish Council object to this application due for the following reasons:

- Concerns about the community centre emergency vehicle access
- Concerns there will be a negative impact on urban design and street scene
- Concerns about the highways impact and other commercial vehicles accessing the containers
- Concerns about a negative impact on community activities
- Poor layout of containers, giving Concerns about safety, security, health and safety issues for access and egress whilst traversing.

Public Consultation

15 letters of objection have been received and 151 people have signed a petition objecting to the proposal. The concerns raised can be summarised as follows:

- parking already a problem for residents/loss of car parking
- ugly unsightly shipping containers
- car park will look like an industrial site
- will cause congestion in the village
- old rusty container in the car park containing asbestos rubbish
- emergency access needed to Parkeston welfare park and community centre
- Large events held at the Parkeston Railway Club and the car park is essential as cars already
- overspill into residential streets
- One container already placed on the land on 8th September 2023
- Roads not suitable for large vehicles
- Containers a risk to children's safety

Officer comments: The above points have been addressed within the report.

Further concerns were raised related directly to the Parkeston welfare park and community Centre and they are summarised below:

- Parkeston welfare park and community centre have been told they cannot park in the Parkeston Railway Club car park anymore
- No other means of access to Parkeston welfare park and community centre other than via the Parkeston Railway Club car park
- New signs erected 29th September 2023 stating car park is for members and guests of the railway club
- Safety and security of residents accessing the community sports facility and luncheon club and other events
- space for turning the community bus around

Officer comments: Space for parking and turning and access to the Parkeston welfare park and community centre is not a matter to be considered under this planning application. It is a private matter between the parties to the access agreement.

One objection has been received from the part owner of the Parkeston Railway Club site and he makes the following comments:

- Parking in the village of Parkeston is already a nightmare. Any removal of parking spaces from the car park would have a further adverse knock-on to the already overstretched parking in the village on function nights in the club.
- Currently there is a derelict 20' container on the siting of the proposed additional containers.
- Ownership of the club was known to the Secretary & Treasurer so why was this altered within the planning application?

Officer comments: The parking and derelict container have been addressed in the report. The ownership certificate of the planning application form has been updated to reflect the correct ownership details as registered with Land Registry.

Other matters raised by the part owner that are not planning considerations relate to annual accounts, terms and contracts with NEST, no elections to PRC committee for several years, forklifts handling the containers would place an undue weight over the underground sewage pipes, deeds require additional structures to be approved by the BR Board and an agreement at the Parkeston Railway Club AGM for the lease of the Parkeston sports training ground and community centre to be taken over by Bill Davidson and that joint parking would continue as previously. PRC has recently reneged on the joint parking agreement, nor thought to include Parkeston Sports Training ground and Community Centre within the planning application.

One letter of representation has been received that suggests an emergency general meeting of the Parkeston Railway Club is held to resolve the matters raised by the owner.

One letter of representation disputes the ownership and management of the Parkeston Railway Club.

2 letters of support have been received.

Harwich Cultural and Community Projects Ltd (HCCP) of George Street, Harwich have confirmed North Essex Support Team (NEST) and Harwich Hive (HH) are both Corporate Members of HCCP and that both organisations operate from their base in Harwich. Several other groups and charities also use the site and the lease runs till 2038. For the avoidance of and doubt HCCP can state categorically that neither NEST or Harwich Hive have been evicted or in any way compelled to leave.

Officer comment: This is not a planning consideration in this case, there is no requirement to identify a need for the site.

6. Assessment

Site Context

The application site, Parkeston Railway Club is located to the north of Parkeston village adjacent to the Parkeston Bypass and Parkeston Quay to the north and residential properties to the south. The site of Parkeston Railway Club consists of the brick built social club building to the west of the site and associated car parking areas to the north and east of the building.

Access to the Parkeston welfare park and community centre is located on the boundary on the eastern side of the application site.

Proposal

The application seeks permission to change the use of part of the car park of the Parkeston Railway Club to site four containers for storage. One container has already been placed in the car park. An existing old container located at the eastern end of the site will be removed.

The applicant runs a registered charity called NEST (North Essex Support Team) which helps families and individuals in the local community. The four storage containers will be used to store furniture, household items such as crockery, cutlery, cutlery, saucepans, kettles, toasters, lamps, irons and bedding, clothing and baby items.

Volunteers support the charity and it is the volunteers that will access the containers during the day.

Principle of Development

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). The 'development plan' for Tendring comprises, the Tendring District Local Plan 2013-2033 and Beyond Section 1 adopted in January 2021 and the Tendring District Local Plan 2013-2033 and Beyond Section 2 adopted in January 2022.

Policy SPL2 of Section 2 of the Local Plan confirms that outside of Settlement Development Boundaries, the Council will consider any planning application in relation to the pattern and scales of growth promoted through the Settlement Hierarchy in Policy SPL1 and any other relevant policies in the plan.

Harwich and Dovercourt (including Parkeston and part of Ramsey) is considered a strategic urban settlement. 'Strategic Urban settlements' have the larger populations and a wide range of existing infrastructure and facilities, making them the most sustainable locations for growth.

The application site falls outside of the settlement development boundary of Harwich and Dovercourt and does not fall to be considered as an employment site or other designation as defined in the Local Plan. Sites outside of settlement development boundaries are considered 'rural' or in the 'countryside'.

The application site in this case, is adjacent to the Parkeston Bypass and Parkeston Quay to the north and residential development to the south.

Paragraph 88a) states that decisions should enable the sustainable growth and expansion of all types of business in rural areas.

Paragraph 89 of the National Planning Policy Framework states that decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements. Going on to say that the use of sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

The principle of development is acceptable in this case as weight is attached to the established use of the site as a community facility well placed and easily accessible to the local towns of Parkeston, Harwich and Dovercourt.

Scale, layout and appearance

The four containers will be sited towards the north eastern corner of the application site, adjacent to the boundary with the Parkeston Bypass and eastern boundary shared with the Parkeston welfare park and community centre.

An existing container which is old, overgrown with vegetation and in disrepair, sited in the north eastern corner will be removed. A condition will be imposed on the grant of planning permission to secure the removal of this container within 3 months from the date of the permission.

There would be limited views of the containers from Hamilton Road and from the bypass to the north. In combination, with the containers measuring 2.591 metres in height which is lower than existing structures on and around the site, boundary fencing with vegetation and the backdrop of the container port to the north. It is considered this would unlikely result in material wider visual harm or landscape impacts to warrant refusal.

In terms of appearance of the proposal, a container embodies a functional and utilitarian design and depending on number and height normally has a neutral appearance, characterised by a simple form and scale that allows containers to blend into various environments as referenced above. However, located within a car park, the visual appearance of these containers will affect a very localised semi public space. NPPF section 12 and including Para 31 provides the need to create high quality, beautiful and sustainable buildings and places as fundamental to what the planning and development process should achieve. Neutral containers are not generally considered beautiful and while these are not buildings, their contribution to semi public "place" is material in the planning balance. On this basis the planning balance must also consider the social role of the storage containers as proposed as sustainable planning must be a balance of social, economic and environment affects. The proposal seeks to be a supporting charity use that has social benefit, but planning must also consider that this may change in the lifetime of the development to be a more commercial use as storage in general is the described development. Both proposed use and potential use of storage actively would be positive set against the neutral appearance of the containers and lack of wider design harm identified.

In regards the position and layout of the proposed containers, third party submissions of the level of activity taking place at the Parkeston Railway Club and the Parkeston welfare park and community centre suggest that the car park benefits from natural/informal and formal surveillance thereby minimising the opportunities for crime, anti-social behaviour and misdirected play.

Highway Safety/Parking

The highway authority have no objections to the proposal. The site is served by a good surfaced access and considered suitable to serve the Parkeston Railway Club and the containers. It is possible for larger vehicles that need to access the site to do so via the Parkeston Bypass however this is not enforceable and it is also possible for them to gain access through the village.

The access and movements associated with the use of the containers has been set out in the submitted Statement of Use. Volunteers will access the site at 8.30am and then later in the day with occasional visitors to the site during the day to meet volunteers for particular needs. On a Thursday between 11am and 2pm the Baby Bank and Hygiene Bank is also operated from the containers and allows approximately 30 families to be provided with items they need.

The Essex Parking Standards confirms that the use of Parkston Railway Club requires 1 parking space per 25 square metres of floor space. The building is approximately 600 square metres and therefore 24 car parking spaces are necessary. Following the siting of the containers ample space will remain for car parking for at least 24 cars. In conclusion any refusal reason if based on the loss of parking would be unreasonable and difficult to defend in planning terms at appeal.

It is noted that Autoprint, the printing business located opposite the Parkeston Railway Club in Hamilton Street have offered car parking provision on their premises by way over an overspill car park. It is not possible to consider this additional car parking provision as part of the planning application. The site does not fall within the red line area of the application site and would therefore not be relevant to the development permitted. It would be possible to secure the parking provision at Autoprint only via a Section 106 legal agreement however as noted in the paragraph above, sufficient car parking provision will be retained at the Parkeston Railway Club and so this is not necessary.

From the information submitted, the proposed plans and following a site visit, it is apparent that the access to the Parkeston welfare park and community centre would not be obstructed by the containers and emergency access would continue to be available.

Impact on Residential Amenity

There would be no unacceptable overshadowing, overbearing or loss of outlook impacts as a result of the siting of the containers on neighbouring properties given their low height and position.

It is considered that the potential impacts of the use of the containers in terms of noise and disturbance given the type of storage will not be significantly different to that of the existing site use. Taking into account the proposal as submitted in the Statement of Use it is considered reasonable and necessary to impose a condition on the grant of planning permission to restrict the hours of use to 8.00am to 17.00pm Monday to Saturday, so as to protect the amenity of neighbouring residential properties and avoids potential conflict with the existing use of the Parkeston Railway Club.

Flood Risk

Paragraph 174 of the NPPF states that applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments (FRA)

Footnote 59 confirms that a site-specific FRA should be provided for all development in Flood Zones 2 and 3.

The planning practice guidance and footnote 60 of the NPPF also states that the Sequential and [Exception Tests](#) do not need to be applied to [minor developments](#) and changes of use, except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site.

The proposal is for a change of use of part of the car park serving the Parkeston Railway Club to site four containers for storage within Flood Zones 2 and 3. The proposal does not involve a change of use to a caravan, camping or chalet site, or to a mobile home or park home site and therefore the sequential and exception tests are not required, however an FRA has been submitted.

The proposed use of the containers as storage is classed as 'less vulnerable' according to Annex 3: Flood risk vulnerability classification of the National Planning Policy Framework.

In Flood Zone 2 standing advice for vulnerable developments should be followed for developments (including change of use) that will have a vulnerability classification of 'less vulnerable' and is not a waste treatment site, mineral processing site, water treatment plant, or sewage treatment plant.

In Flood Zone 3, the Environment Agency should be consulted in the case of changes of use where the vulnerability classification will be 'more vulnerable' or 'highly vulnerable' or change from 'water compatible' to 'less vulnerable'.

The FRA is considered appropriate to the scale, nature and location of the development and proportionate to the degree of flood risk. The FRA confirms that the site benefits from flood defences.

The Environment Agency has confirmed that the site lies outside the flood extent for a 0.5% (1 in 200) annual probability event, including an allowance for climate change.

The FRA makes the following recommendations in preparation of a flood event:

- The containers should be anchored down to prevent movement/hazard under flood conditions
- A flood plan will provide guidance on emergency response procedures in the event of flooding to the site
- The Flood Warning Service operated by the Environment Agency should be used

A planning condition is necessary and reasonable on the grant of planning permission requiring the four containers to be anchored down to mitigate hazard during a flood.

The site does not fall within a critical drainage area and there is a no risk of surface water flooding on the site.

The principle of the proposed change of use for the siting of storage containers is acceptable from a flood risk perspective. It is considered that the proposed use which does not include any habitable space and will be used by a charity during the day time only is acceptable in this location.

7. Conclusion

In conclusion, the assessment of the proposed change of use for the siting of storage containers at the Parkeston Railway Club site reflects several considerations.

Firstly, the principle of development aligns with planning laws, and the site's historical use as a community facility lends weight to its acceptability. The strategic urban settlement status of Harwich and Dovercourt further supports the proposed use.

The scale, layout, and appearance analysis indicate that the containers, positioned in the north-eastern corner of the site, are unlikely to cause significant visual harm or landscape impacts. While containers may not be considered aesthetically pleasing, their utilitarian design and the charitable purpose they serve contribute positively to the local community or economic benefit, strikes a balance in the planning context.

Concerns related to highway safety and parking are addressed by the absence of objections from the highway authority and the retention of sufficient parking spaces. The proposed hours of use and the availability of overspill parking from a nearby business further mitigate potential impacts.

The assessment of the impact on residential amenity highlights that the containers' low height and position would not lead to overshadowing or overbearing effects on neighbouring properties. Conditions on hours of use are recommended to protect residential amenity.

Regarding flood risk, the site-specific flood risk assessment demonstrates the appropriateness and proportionality of the proposed development.

In summary, the proposal for the change of use to site storage containers at the Parkeston Railway Club is deemed acceptable, considering its alignment with planning policies, positive community contributions, and the mitigation measures in place for various potential impacts.

8. Recommendation

8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives.

8.2 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 (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

The approved red line plan drawing is Drawing Number: 0132-A-001 Drawing Name: Location and Block Plan received 24 November 2023
Drawing Number: 0132-A-001 Drawing Name: Proposed Outline Plan
Drawing Number: 0132-A-100
Flood Risk Assessment by Dr Robin Saunders CEng dated October 2023
Statement of Use received 19 October 2023

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 ONGOING REQUIREMENT IMPOSED - RESTRICTION ON OPERATION TIMES

CONDITION: Access to all containers and operational use shall only operate between the hours of 8.00am and 5.00pm Monday to Saturday. There shall be no access on Sundays and Bank Holidays. There shall be no deliveries to the use arranged for outside of these approved hours.

REASON: To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

NOTE/S FOR CONDITION:

1) This condition shall engage and restricts the operation of the development from the first commencement of the use. This condition is imposed to ensure the development avoid unreasonable impact on the residential amenity of neighbouring dwellings, especially given the location of the development with considerations to the prevailing character and amenity currently enjoyed in this location. Without the imposing of this condition, the development would be refused due to the risk of harm and this condition is considered necessary, enforceable and reasonable in all other respects. This condition as detailed will apply to the development at all times unless varied or removed legally.

2) If the development operates outside of the hours stated this may result in unlawful development/use at risk of Enforcement Action. You are encouraged to discuss any concerns with this condition with the Local Planning Authority.

4 ONGOING REQUIREMENT IMPOSED - RESTRICTION ON EXTERNAL OPEN-AIR STORAGE

CONDITION: No goods, products, raw materials, scrap material or other materials of any other sort shall be stored in the open air outside the confines of the containers included in the approved red line site plan related to this permission, except pursuant to the grant of separate planning permission on an application made in that regard.

REASON: The external storage of these items would be harmful to the local amenity, character and appearance of the area.

NOTE/S FOR CONDITION:

This condition shall engage and restricts the operation of the development from the first commencement of the use and/or operation hereby approved. This condition is imposed to ensure the development avoid unreasonable impact on the residential amenity of neighbouring dwellings, especially given the location of the development with considerations to the prevailing character and amenity currently enjoyed in this location. Without the imposing of this condition, the development would be refused due to the risk of harm and this condition is considered necessary, enforceable and reasonable in all other respects. This condition as detailed will apply to the development at all times unless varied or removed legally.

5 COMPLIANCE REQUIRED: FLOOD RISK

CONDITION: Within one month of the date of the permission for the use hereby approved, the existing container shall be anchored to the ground in accordance with the recommendation made in the Flood Risk Assessment.

REASON: To provide additional safety measures in the event of a flood in the interest of public safety.

6 COMPLIANCE: REMOVAL OF CONTAINER

CONDITION: Within 3 months of the date of the permission for the use hereby approved, the old container shown on Drawing Number: 0132-A-001 Drawing Name: Proposed Outline Plan shown as a dotted red line shall be removed from the site.

REASON: To satisfactorily protect the character and appearance of the area.

7 COMPLIANCE REQUIRED: FURTHER CONTAINERS

CONDITION: The siting of the three further containers on the application site for the use hereby approved shall not commence until the old container shown on Drawing Number: 0132-A-001 Drawing Name: Proposed Outline Plan shown as a dotted red line has been removed from the site.

REASON: To satisfactorily protect the character and appearance of the area.

8 COMPLIANCE REQUIRED: FLOOD RISK

CONDITION: Upon siting of the further three containers for the use hereby approved, they shall be immediately anchored to the ground in accordance with the recommendation made in the Flood Risk Assessment.

REASON: To provide additional safety measures in the event of a flood in the interest of public safety.

9 COMPLIANCE REQUIRED – CONTAINERS QUANTUM AND SITING

CONDITION: For the avoidance of doubt there shall be no more than 4 containers placed on the site at any one time and such containers shall only be sited in the locations outlined on approved Drawing Number: 0132-A-001 Drawing Name: Proposed Outline Plan.

REASON: In the interests of visual and residential amenity and to ensure sufficient parking provision is retained.

10 SPECIFIC RESTRICTION OF DEVELOPMENT - ILLUMINATION RESTRICTION

CONDITION: There shall be no means of external illumination installed and/or operated on/at the site except pursuant to the prior grant of a planning permission on an application made in that regard.

REASON: In the interests of amenity to reduce the impact of night time illumination on the character of the area and in the interests of residential amenity.

8.3 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 Informatives

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

9. Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 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.
- 9.2 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.

- 9.3 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

The proposal overall shall have a neutral impact.

Consultations undertaken with the affected communities or groups have not been required in this case.

No mitigation measures required.

Human Rights

- 9.4 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.
- 9.5 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).

- 9.6 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

- 9.7 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. Background Papers

- 10.1 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/>.