



**Application:** 19/00144/DETAIL

**Town / Parish:** Ramsey & Parkeston Parish Council

**Applicant:** A B C City Limited

**Address:** Michaelstowe Farm, Ramsey Road, Dovercourt, CO12 4TF

**Development:** Reserved matters application following Outline application 17/01811/OUT - Erection of 14 dwellings.

## 1. Executive Summary

- 1.1 Outline application 17/01811/OUT for residential development of 14 dwellings on this site was approved at Planning Committee on 3<sup>rd</sup> January 2018 at which time it was requested that the reserved matters application be brought back to the committee for determination.
- 1.2 This application seeks approval of the reserved matters application for the erection of 14 no. dwellings (11 no. x 4 bedroom properties and 3 no. x 3 bedroom properties) each served by garaging and driveway parking with a single access point from Ramsey Road serving the development.
- 1.3 The application site is situated on the eastern side of Bentley Road outside of, but opposite to, the defined settlement development boundary of Weeley Heath as set out in the Tendring District Local Plan (2007) but fully within the defined settlement development boundary of the draft Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document July 2016.
- 1.4 As established through the granting of outline application 17/01811/OUT, the principle of residential development for up to 14 dwellings on this site is accepted.
- 1.5 No letters of representation have been received and Ramsey & Parkeston Parish Council has no objections to the application subject to the public open space contributions secured at outline stage being utilised at the War Memorial Play Area, Ramsey. The unilateral undertaking associated with the outline permission confirms this will be case.
- 1.6 This reserved matters application satisfies design and highways, trees and landscaping, biodiversity and residential amenity considerations and is recommended for approval.

### **Recommendation: Approval**

That the Head of Planning be authorised to grant planning permission for the development subject to the conditions stated in section 8.2

## 2. Planning Policy

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

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

HG1 Housing Provision

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

COM1 Access for All

COM6 Provision of Recreational Open Space for New Residential Development

COM26 Contributions to Education Provision

COM31A Sewerage and Sewage Disposal

EN1 Landscape Character

EN4 Protection of the Best and Most Versatile Agricultural Land

EN6 Biodiversity

EN6A Protected Species

EN6B Habitat Creation

EN11A Protection of International Sites, European Sites and RAMSAR Sites

EN13 Sustainable Drainage Systems

TR1A Development Affecting Highways

TR1 Transport Assessment

TR3A Provision for Walking

TR5 Provision for Cycling

TR6 Provision for Public Transport Use

TR7 Vehicle Parking at New Development

## Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- HP5 Open Space, Sports & Recreation Facilities
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP5 Affordable and Council Housing
- PPL1 Development and Flood Risk
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to 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' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

### 3. Relevant Planning History

17/01811/OUT	Erection of 14 dwellings - resubmission following non-determination of application 17/00872/OUT	Approved	24.01.2018
18/02033/DISCON	Discharge of condition 16 (Historic Building Record) of application 17/01811/OUT.	Approved	13.02.2019
19/00144/DETAIL	Reserved matters application following Outline application 17/01811/OUT - Erection of 14 dwellings.	Current	

### 4. Consultations

#### **ECC Highways Dept**

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

- Prior to the first occupation of the development, the proposed road junction at its bell mouth junction with Ramsey Road shall be constructed at right angles to the highway boundary and to the existing carriageway as shown in principle in the proposed Block Plan, drawing no. 11 Rev C to a carriageway width of 6 metres straight for at least the first 12 metres with 2 metre width footways on both sides to connect to the existing footways on Ramsey Road on both sides of the junction.

- Prior to first occupation of the development the size 3 side road/ vehicular turning facility shown in principle in

the proposed Block Plan, drawing no. 11 Rev C shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

- Prior to first occupation of the development the vehicular accesses shall be constructed at right angles to the proposed carriageway. The width of the access at its junction with the highway shall not be less than 3 metres (3 metres minimum – 6 metres maximum), shall be retained at that width for 6 metres within the site.

- No unbound materials shall be used in the surface treatment of any proposed vehicular access within 6 metres of the carriageway.

- Prior to first occupation of the development vehicle parking shall be provided in accordance with the EPOA Parking Standards as shown in principle in the proposed Layout Plan, drawing no. drawing no. 11 Rev C constructed ready for use. The vehicle parking area and associated turning area shall be retained in the agreed form at all times.

- All single garages should have a minimum internal measurement of length 7 metre x 3 metres.

- Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

- Each vehicular parking space which is bounded by walls or other construction shall have minimum dimensions of 3.4 metres x 5.5 metres.

- Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

- Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator at their expense.

- Prior to the first occupation of the development, a 500mm wide overhang strip shall be provided adjacent to the carriageway.

- No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the

- construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. wheel and underbody washing facilities

#### **ECC SuDS Consultee**

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a holding objection to the granting of planning permission based on the following:

In the absence of a surface water drainage strategy, we object to this application and recommend refusal of planning permission until a satisfactory one has been submitted.

#### **Anglian Water Services Ltd**

No comments received.

### **5. Representations**

- 1.7 The view of the Ramsey & Parkeston Parish Council is no objection. It is noted and requested that, as stated in the Unilateral Undertaking under Section 106 Town and County Planning Act 1990 schedule, "Public Open Space Contribution Purposes" ' means the use of the Public Open Space Contribution towards the provision of play equipment at the War Memorial Play Area Ramsey'. The contribution calculation, figures as published within the schedule, based on the number of dwellings in this application and number of bedrooms in those dwellings (3 x 3 bedrooms @ £2253 per dwelling and 11 x 4 bedrooms @ £2816 per dwelling) equates to a total of £37,735, all of which we formally request is made available solely for the provision of play equipment at the War Memorial Play Area, Ramsey. **(Officer Response – The unilateral undertaking secured at outline stage confirms that the public open space contribution will be used at the War Memorial Play Area, Ramsey).**
- 1.8 No further letters of representation have been received.

### **6. Assessment**

#### Site Context

- 1.9 The application site is located on the southern side of Ramsey Road within the parish of Ramsey & Parkeston but directly abutting the settlement development boundary of the Dovercourt Urban Area in both the saved and emerging local plans. The site is rectangular in shape, extending to 0.73 hectares and with a frontage of 54m direct onto Ramsey Road. It is located opposite the junction with Michaelstowe Drive, between existing houses known as 'Oaklands' and 'Garden Villa' to the east and west respectively. The land is currently disused but was previously used for the cropping of hay. It previously accommodated a series of farm buildings in varying states of repair, including a small traditional barn, cart lodge, store and byre. These were located at the front of the site but have now been demolished.
- 1.10 The land immediately to the east is used as an underground reservoir, while further beyond a development of 9 dwellings has recently been approved. To the south is an 80's housing estate constructed on a former holiday park. The surrounding area comprises of a mix of dwelling types, age, scale and design.

#### Planning History

- 1.11 Outline planning permission for 14 dwellings on the site was granted on 24<sup>th</sup> January 2018 under planning reference 17/01811/OUT.

#### Proposal

- 1.12 This application seeks approval of the reserved matters relating to outline permission 17/01811/OUT and the erection of 14 properties (11 x 4 bedroom and 3 x 3 bedroom).
- 1.13 The layout plan shows the development being served via a main access from Ramsey Road running along the western boundary of the site. 3 dwellings are then served through a private drive fronting onto Ramsey Road with the remainder of the units addressing either the main access or a small private drive forming a mews style arrangement.
- 1.14 All 14 properties will be served by a private garden area in excess of the minimum 100 square metres required by Saved Policy HG9 of the adopted Tendring District Local Plan (2007).
- 1.15 All 14 properties will be served by 3 or 4 parking spaces in the form of a garaging with parking bays in front. This provision comfortably accords with the current parking standards. A further 4 no. visitors parking spaces are also proposed alongside the main access.
- 1.16 The submitted landscape strategy plan shows the frontage hedgerow being retained along with existing trees on the southern and western boundaries. New tree planting is proposed at key points within the development along with new planting areas and beds to the front of properties.

#### Principle of Development

- 1.17 The principle of constructing 14 no. dwellings on this site was established through the granting of outline planning permission reference 17/01811/OUT. The associated unilateral undertaking secured a public open space contribution towards enhancements at the War Memorial Play Area, Ramsey.
- 1.18 This application therefore seeks approval of the detailed aspects of the proposal including the design of the properties, landscaping proposals and access/parking concerns.

#### Layout & Appearance

- 1.19 The proposed layout follows closely the indicative layout provided at outline stage. The layout shows a single point of access from Ramsey Road running along the western boundary of the site. Immediately off the access road would be a private drive serving three detached dwellings directly addressing Ramsey Road. This continues the linear form of development along Ramsey Road and allows for the retention of the majority of the frontage hedge due to the absence of individual access points on Ramsey Road. To the rear of these dwellings a mews style arrangement of bungalows is proposed served via another private drive. The presence of single storey properties in this location is proposed to avoid the loss of privacy to the residents of Oaklands to the north. Towards the rear of the site are 8 detached dwellings which will address the access road and turning head. These have been positioned to meet the back to back distances outlined in the Essex Design Guide, aside from a property located to the south in Davall Close which is set close to the rear boundary of the site but situated side on with its facing flank wall containing no windows.
- 1.20 The current parking standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. The layout plan also shows that each property would be served by at least 2 no. parking spaces (3 or 4 spaces on several plots) with a further 4 no. visitor parking spaces provided adjacent to the access road. The properties

would also be set within good sized plots which allows for private rear gardens measuring between 101sqm and 314sqm in size. This is in excess of the requirements of saved policy HG9.

- 1.21 In respect of the design of the properties, the submitted plans show a varied development comprising of predominantly traditional style two-storey properties, a pair of bungalows and a chalet style property with dormers to the roof slope. The two-storey dwellings comprise of a mix of design types including traditional pitched roofed properties which consist of half render and half red brick along with units incorporating white-boarded jetted first floor elements with agricultural barn door features to the gable in reference to the site's former agricultural use. In the south-eastern corner of the site a larger two-storey property is proposed of a more contemporary appearance utilising full height glazing to the front elevation and grey windows/doors. The garage serving this dwelling is finished in vertically arranged Oak weatherboarding to compliment the modern appearance of the property. The chalet style property on plot 6 and the two bungalows on plots 4 and 5 are traditional in appearance and incorporate bay windows and timber entrance canopies to provide added interest.
- 1.22 The proportions of the proposed properties relate appropriately to the character of the locality, which comprises of a mixture of bungalows, chalet style dwellings and two-storey properties, and the use of contrasting styles and vernacular materials illustrates a varied appearing development that assists in aesthetically enhancing the overall scheme. The introduction of brick plinths, gable features and detailing above the entrance doors and windows gives the dwellings further visual interest.
- 1.23 The properties are set on similar width plots to those in the locality and would retain appropriate side isolation to the boundaries of each respective plot to ensure the development would not appear cramped or out of character in this location.
- 1.24 Overall the development would relate acceptably to the character of the area in terms of its layout, spacing and design and with the introduction of soft landscaping to supplement the existing site frontage hedgerow and at key viewpoints within the site, the development would represent an appropriate response to its surroundings.

#### Highway Safety/Parking

- 1.25 The arrangement of the access point from Ramsey Road remains as shown on the indicative plans submitted at outline stage. Essex County Council Highways have reviewed the plans and confirm they have no objections subject to several conditions which were previously included at outline stage. These include the width of individual accesses, provision of visibility splays, size of parking bays and garaging and the use of no unbound materials in the first 6m from the highway boundary. All other highway requirements are reflected on the submitted plans or secured through conditions on the outline approval, apart from the submission of a construction method statement which is included as a condition in the recommendation.

### Landscaping/Biodiversity

- 1.26 The development proposes a significant amount of additional soft planting to the perimeters of the site. The species and siting of the planting is acceptable subject to additional details as to its spacing. This information has now been included on the revised plans and confirms planting at 0.5m centres, which accords with landscaping requirements.
- 1.27 The soft landscaping proposed along with the retention of the mature roadside hedge to the frontage of the plot will assist in providing added biodiversity benefits along with assimilating the development into its surroundings.
- 1.28 At outline stage a phase 1 habitat survey was submitted which confirmed, with the exception of nesting birds and foraging bats, which are addressed by appropriate timing and methodology of works, the site is unlikely to support any protected species, and no further surveys are recommended. The survey confirmed that providing precautionary measures are adhered to the development would not cause any significant impacts upon protected species potentially utilising the site. As such at outline stage a condition relating to the submission of an ecological mitigation/enhancement plan was included.
- 1.29 Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.
- 1.30 Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitat Regulations Assessment has therefore been undertaken to confirm that the mitigation will be the RAMS level contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Sites. The contribution has been secured by a completed unilateral undertaking. There is therefore certainty that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

### Impact on Residential Amenity

- 1.31 The NPPF, in paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Draft Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) supports these objectives.
- 1.32 The layout plan submitted demonstrates sufficient separation distances between properties and nearby dwellings to ensure that existing and future resident's amenity would not be harmed by the development. The back to back distances between the proposed properties located at the rear end of the site and those to the south in Duvall Close is approximately 26m, which accords with the guidance provided in the Essex Design Guide thereby preserving future resident's level of privacy.

- 1.33 The properties on plots 4 and 5 are bungalows thereby avoiding any demonstrable harm to the amenity of residents at Oaklands directly to the east of the site. Due to the proximity of these properties to the rear garden serving Oaklands and their orientation, a condition removing permitted development rights for rear facing roof additions to these two properties is recommended to avoid the potential for future loss of privacy.

Drainage

- 1.34 Essex County Council as the Lead Local Flood Authority (LLFA) has objected on the basis that no surface water drainage scheme has been provided. However at outline stage a drainage condition was attached to the permission. Consequently, prior to the commencement of any work on site a detailed surface water and foul water drainage strategy has to be submitted to the Council for approval the merits of which the LLFA will be consulted upon.

**7. Conclusion**

- 1.35 The principle of residential development on this site has been established and, subject to the inclusion of the conditions contained within the recommendation there is not considered to be any adverse impacts in respect of visual amenity, neighbour’s amenities, ecology or any highway safety concerns. Therefore the application is recommended for approval.

**8. Recommendation**

- 1.36 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives. Please note that unilateral undertakings have already been completed to secure the following obligations;

<b>CATEGORY</b>	<b>TERMS</b>
Financial contribution towards RAMS.	122.30p per dwelling.
Open space contribution	Payment towards enhancements to the War Memorial Play Area, Ramsey (Secured at outline stage).

1.37 Conditions and Reasons

- 1 The development hereby permitted shall be carried out in accordance with the following approved drawing no’s:

15, 17, 25, 27, 29, 31, 33, 16A, 18A, 26A, 28A, 30A, 32A, 34A, 39A, 40A, 42, 14B, 44, 10C, 11C, 13D, 19A, 20B, 21B, 22C, 23A, 24B, 35C, 36C, 37B, 38C, 41B, 43A, 45A and 46A.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 2 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. wheel and underbody washing facilities
- e. dust suppression

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

- 3 The approved scheme of landscaping shown on drawing no. 13D, shall be implemented no later than the first planting season following commencement of the development (or within such extended period or phased arrangement as the Local Planning Authority may allow) and shall thereafter be retained and maintained for a period of five years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason - To ensure the effective implementation of the approved landscaping scheme, in the interests of visual amenity.

- 4 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class B and C of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the roof of the bungalows on plots 4 and 5 shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of visual amenity and to protect existing and future resident's privacy.

#### 1.38 Informatives

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.

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.

### 9. Additional Considerations

#### Public Sector Equality Duty (PSED)

- 1.39 In making your decision you must have regard to the 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 to:

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 and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other

areas where they are underrepresented) of people with a protected characteristic(s);  
and

C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

- 1.40 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 1.41 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 1.42 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

#### Human Rights

- 1.43 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.
- 1.44 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).
- 1.45 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

- 1.46 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.
- 1.47 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**

None.