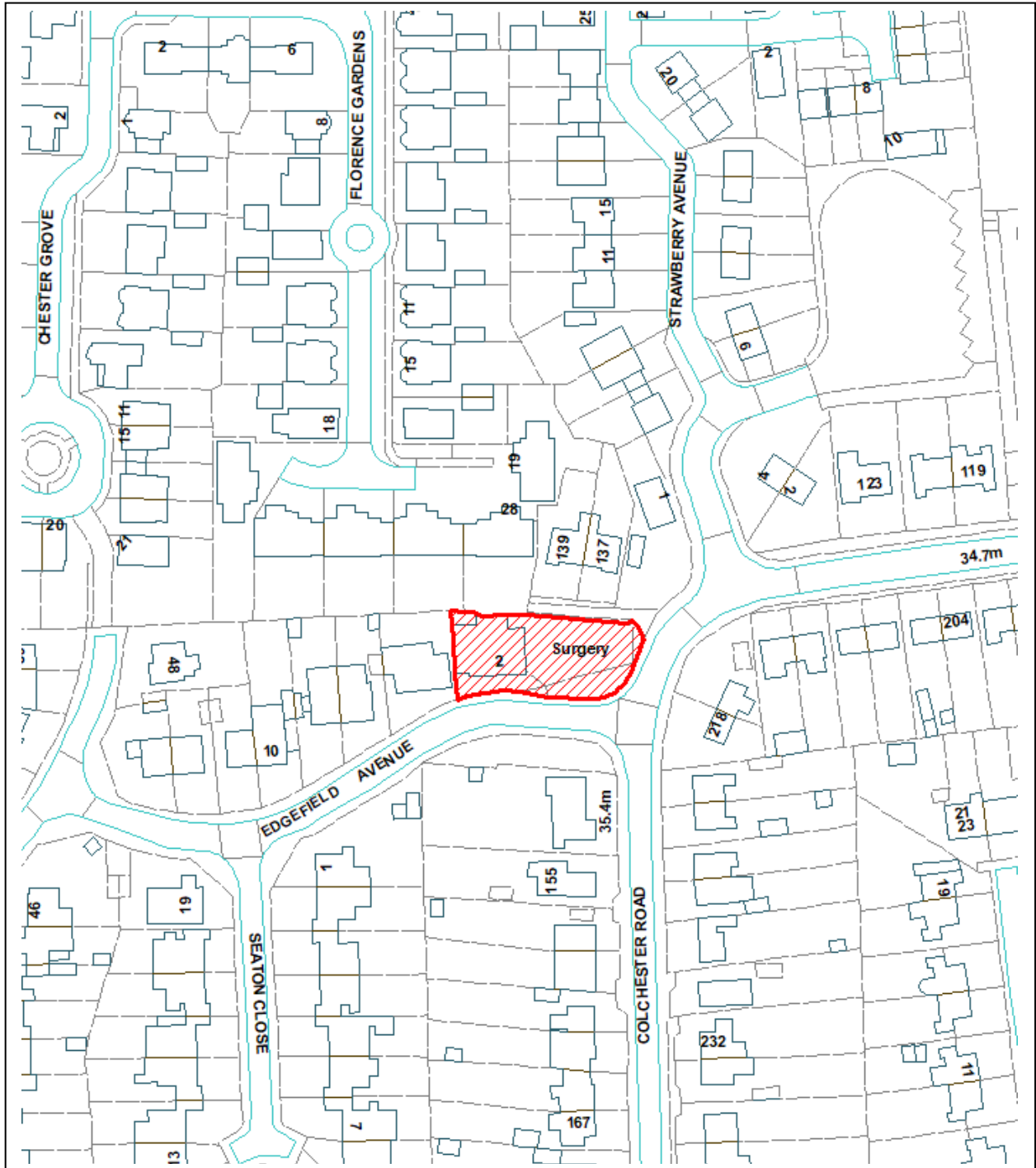


PLANNING COMMITTEE

16 JUNE 2020

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.2 PLANNING APPLICATION – 20/00150/FUL – THE LAWFORD SURGERY 2 EDGEFIELD AVENUE LAWFORD MANNINGTREE CO11 2HD



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Application: 20/00150/FUL

Town / Parish: Lawford Parish Council

Applicant: Lawford Surgery

Address: The Lawford Surgery 2 Edgefield Avenue Lawford Manningtree CO11 2HD

Development: Proposed first floor extension to be used in conjunction with existing doctor's surgery and retention of 1.8 m close boarded fence enclosing the existing car park.

1. Executive Summary

- 1.1 The application has been referred to the Planning Committee at the request of Councillor Coley due to concerns with the alterations to the roof being out of character and impinging on the privacy and visual aspect of neighbouring properties; and due to the increase in staff numbers being unsupported by the existing car parking area.
- 1.2 The application relates to the long established Lawford Surgery located on the corner of Edgefield Avenue and Colchester Road within the Settlement Development Boundary of Lawford as defined within both the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017. The rear boundary of the site adjoins the rear of the newly constructed bungalows within Florence Gardens on the Summers Park development.
- 1.3 The application seeks full planning permission for alterations and extensions to the roof of the building to allow for the creation of 2 administration/office rooms, a bathroom and kitchenette for staff within the roof space. The works include the raising of the overall roof height by just under 1.5 metres, the insertion of 4 no. high level roof lights to the rear, insertion of 1 no. end gable window overlooking the car park and the erection of 3 no. pitched roof dormer windows to the front elevation. The application has been amended to now incorporate the regularisation of the 1.8 metre fence that has been erected enclosing the car park and to include the formal laying out of the existing parking areas into bays.
- 1.4 The raising of the roof and resulting roof pitch will not result in any material loss of sunlight, daylight or outlook to neighbouring properties due to the separation distance and minor scale of the alterations. The proposed rooflights are high level with the bottom windowsill being approximately 1.7 metres above the finished floor level meaning that no harmful overlooking or loss of privacy will occur. The dormer windows are in proportion with the overall scale of the building and resultant roof being acceptable in design terms. The distance to neighbouring properties opposite ensures no harmful overlooking will result from the dormer windows.
- 1.5 The site is located within a well built up residential area. Edgefield Avenue is characterised by bungalows and Colchester Road is characterised by 2 storey dwellings. The proposed development and resultant 1.5 storey appearance is not considered harmful in this mixed character area.
- 1.6 In the absence of any material harm and having regard to the benefits of the scheme for local residents from the improved medical facilities, the application is recommended for approval.

Recommendation: Full approval

Subject to the conditions stated in section 8.2

2. **Planning Policy**

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

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

COM3 Protection of Existing Local Services and Facilities

TR7 Vehicle Parking at New Development

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

SPL3 Sustainable Design

HP2 Community Facilities

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

Status of the Local Plan

2.2 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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.

2.3 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.

2.4 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.

3. Relevant Planning History

98/01497/FUL	Alterations and extension	Approved	18.12.1998
03/00282/FUL	Alterations and extensions	Approved	03.04.2003
03/01547/FUL	Alterations and extensions	Approved	17.09.2003
09/00799/FUL	Single storey rear extension to existing doctors surgery.	Approved	25.09.2009

4. Consultations

ECC Highways Dept
ORIGINAL COMMENTS

The information that was submitted in association with the application has been fully considered by the Highway Authority. It is noted from the information supplied that the existing vehicular access and parking provision is to remain the same and is unaffected by these proposals, therefore:

The Highway Authority does not object to the proposals as submitted.

Informative:

1: 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.

2: Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

3: Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway

4: 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 or by post to:

SMO1 - Essex Highways

Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

ECC Highways Dept
AMENDED COMMENTS

The information that was submitted in association with the application has been fully considered by the Highway Authority. It is noted from the information supplied that the existing vehicular access and parking provision is to remain the same and is unaffected by these proposals. It is noted that one additional consulting room will be created by this proposal and it is felt that this will have minimal impact on the current parking provisions on site, therefore:

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

1. Prior to occupation of the extended facility, the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, shall be marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

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

Reason: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

3. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: The Highway Authority has discussed the location with the North Essex Parking Partnership who have confirmed that a set of parking restrictions for the junction with Edgefield Avenue and Colchester Road have recently been advertised and should be introduced by the end of the year.

2: For the cycle parking provision, the minimum requirement for this site will be 1 space per 4 staff plus 1 space per consulting room.

3: Steps should be taken to ensure that the Developer provides enough turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

4: 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.

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CO4 9YQ

Cadent Gas Limited No written comments received (see main report for further detail).

NHS East Essex CCG No comments received.

5. **Representations**

5.1 Lawford Parish Council object to the application for the following reasons;

- Overdevelopment.
- Out of character.

5.2 7 letters of objection have been received (more than 1 from some residents in response to the original and amended information). The concerns raised can be summarised as follows;

- Out of character;
- Overdevelopment of the site;
- Overbearing and dominating appearance;
- Loss of outlook;
- Loss of light;
- Overlooking;
- Loss of privacy;
- Too close to neighbouring properties and gardens;
- Insufficient parking to accommodate larger facility;
- Housing development continues in the area and the surgery will soon outgrow the site again;
- Set a harmful precedent for first floor extensions to other bungalows.

The appearance and impact of the development is assessed in the main report below.

6. Assessment

6.1 The main planning considerations are:

- Site Context;
- Proposal;
- Principle of Development;
- Layout, Scale and Appearance;
- Residential Amenities;
- Access and Parking; and,
- Other Matters.

Site Context

6.2 The application relates to the long established Lawford Surgery located on the corner of Edgefield Avenue and Colchester Road within the Settlement Development Boundary of Lawford as defined within both the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

6.3 The surgery building is located on the northern side of Edgefield Avenue and comprises a converted bungalow which has been subject of single storey extensions to the front, side and rear. There is a car park serving the surgery located to the east of the building, accessed via Edgefield Avenue and enclosed by a 1.8 metre close boarded fence. There are also some further parking spaces to the front of the building.

6.4 The site is located within an established residential area. Edgefield Avenue is characterised by bungalows and Colchester Road is characterised by 2 storey dwellings. The rear boundary of the site adjoins the rear gardens of the newly constructed dwellings within Florence Gardens on the Summers Park development which again comprises both single storey and 2 storey dwellings.

Proposal

6.5 The application seeks full planning permission for alterations and extensions to the roof of the building to allow for the creation of 2 administration/office rooms, a bathroom and kitchenette for staff within the roof space.

6.6 The works comprise the raising of the overall roof height by just under 1.5 metres, the insertion of 4 no. high level roof lights to the rear, insertion of 1 no. end gable window overlooking the car park and the erection of 3 no. pitched roof dormer windows to the front elevation. The application has been amended to now incorporate the regularisation of the 1.8 metre fence that has been erected enclosing the car park and to include the formal laying out of the existing parking areas into bays.

6.7 The application has been amended to now incorporate the regularisation of the 1.8 metre fence that has been erected enclosing the car park and include the formal laying out of the existing parking areas into marked bays.

6.8 At present the practice have been forced to use Consulting Room 1 to accommodate a secretary and administrative staff. The development will allow for the room to be returned to a consulting room once the administration staff have been relocated into the new first floor accommodation. The new first floor accommodation will also provide a separate kitchen area

for staff and a bathroom for use by staff and patients often required when dealing with complex or delicate medical cases.

Principle of Development

- 6.9 The proposal aims to cater for the increase in medical demands on the practice resulting from the local housing stock growth in the locality and improve the facilities for both staff and patients.
- 6.10 The principle of development is considered acceptable as the proposals simply seek to extend and improve an established use and facility. The main considerations are therefore the detailed design and impact matters set out below.

Scale, Design and Visual Impact

- 6.11 The site is located within an established residential area. In the immediate locality Edgefield Avenue is predominantly characterised by bungalows and Colchester Road is predominately characterised by 2 storey dwellings. Summers Park to the rear of the site is also characterised by both single and 2 storey dwellings directly adjacent to the site.
- 6.12 The Lawford Surgery occupies a former dwelling being single storey and residential in appearance which has been extended to the front, rear and side at single storey level. The proposed development will result in a chalet style appearance to the building with the raising of the ridge height and associated roof pitch, the insertion of 3 front facing dormer windows, an end gable window overlooking the car park and 4 high level rooflights to the rear roof slope.
- 6.13 The proposed roof lights and dormer windows are not excessive in number or size and sit comfortably within the roof plane. The minor scale and overall appearance of the resultant building will not dominate the plot or appear cramped. All materials to be used in the development would match those on the existing building with concrete roof tiles and a smooth rendered finish to the gable ends and dormers cheeks. The appearance of the development is therefore considered acceptable in design terms.
- 6.14 Although chalet style properties are not characteristic in the immediate locality, there is a clear mixture of residential styles, heights and materials and the character of the area is not uniform. Examples include single storey dwellings with gable ended roof arrangements, 2 storey dwellings with gable and hipped roof arrangements; red brick, buff brick, render and weather boarded finishes; and design features including pitched roof elements above first floor windows.
- 6.15 Due to the location of the building on this corner plot, the proposed works will be viewed in conjunction with all surrounding properties with their mixed heights, materials and design features. For example, when viewed on the approach from Colchester Road from the north east, the development will be seen alongside the 2 storey dwellings at 137 and 139 Colchester Road with their adjoining single storey garages with steep pitched roofs. The height and roof pitch of the proposed development will appear similar to the garage of 137 Colchester Road.
- 6.16 In this context, the alterations to the building will not dominate the street scene and cannot be considered materially harmful to visual amenity or the character of the area. The public benefit to residents resulting from the enlarged facility also weighs in favour of the development.
- 6.17 There is no suggestion that Lawford Surgery will require further expansion in the future. However, any future applications would be assessed on their own merits and approval of this

application is not considered to set a harmful precedent. Furthermore, should the residents of any neighbouring dwellings want to extend, any applications would again be assessed on their own merits at the time of application.

- 6.18 The fence erected along the perimeter of the car parking area is sited adjacent to the highway and exceeds 1 metre in height therefore requiring planning permission. This was not obtained prior to the works being carried out and has been added to the application. To soften the appearance of the fence a landscaping scheme has now been included which will be secured by means of a planning condition.

Residential Amenities

- 6.19 Paragraph 127 of the National Planning Policy Framework 2019 states that planning should always seek to secure a high standard of amenity for existing and future users. Policy QL11 of the adopted Tendring District Local Plan (2007) states that development will only be permitted if it will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 supports these objectives.
- 6.20 The building is located on the northern side of Edgefield Avenue with its car park located to its east adjacent to Colchester Road. Immediate neighbouring dwellings include 4 Edgefield Avenue to the west, 26 Florence Gardens to the north-west and 28 Florence Gardens directly to the north. To the north-east is the frontage of nos. 139 and 137 Colchester Road, with their shared access road running alongside the close boarded fencing enclosing the surgery car park. Opposite the site is 153 Colchester Road which fronts Colchester Road.
- 6.21 Number 4 Edgefield Avenue and the surgery building sit almost directly alongside one another with approximately 3 metres between the eaves of the main roof of the surgery and the side elevation of number 4. There is a separation distance of 19 metres between the eaves of the surgery and the rear elevations of the dwellings in Florence Gardens, being 6 metres to the rear shared boundary.
- 6.22 The development does not involve an increase in eaves height. The alteration to the ridge height and roof pitch are not excessive. The development will not appear dominant from the garden area of 4 Edgefield Avenue and will not result in any material loss of daylight or sunlight. No windows are proposed in the west facing end elevation and therefore no overlooking will occur.
- 6.23 The alteration to the angle of the roof pitch will bring the built form slightly closer to the dwellings in Florence Gardens. However, at its highest point, the ridge of the resultant building will retain 10 metres to the shared boundary, being 23 metres from the rear elevation of these neighbouring dwellings. The proposed rooflights to the rear are high level with the bottom windowsill being approximately 1.7 metres above the finished floor level. No overlooking or loss of privacy can occur from angled windows at this high level position. The 2 central rooflights serve a stairwell and bathroom. The stairwell is for access only and the bathroom window will be obscure glazed. The rooflight at either end of the building will serve offices where staff will mostly be working at desk level positions. Any perception of overlooking is therefore further diminished.
- 6.24 Nos. 139 and 137 front the application site with over 10 metres retained to the boundary with the surgery car park. No views or harmful overlooking from the rooflights to facing windows will occur due to the distance and relationship of the surgery building with these dwellings.
- 6.25 The front dormer windows introduce views at first floor level toward the side of 153 Colchester Road and its rear garden area. A distance of over 20 metres will be retained minimising any overlooking, with views further obscured by the mature trees along the roadside grass verge.

Two windows will serve office areas either end of the building with a central window serving a kitchenette. On the basis that staff will be sitting at desks or sitting for a break in the kitchenette area, securing the installation of obscure glazing to the lower half of the dormer windows is considered reasonable in this instance. This will be controlled by condition and further mitigate the impact on residential amenities. Additionally, surgery opening times will further limit any impact on neighbouring amenities, i.e. no weekend opening.

- 6.26 For the reasons set out above, officers consider that the development will be acceptable in terms of its impact on neighbouring amenities.

Access and Parking

- 6.27 Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people. The sentiments of this policy are carried forward within draft Policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.
- 6.28 The existing vehicular access and parking provision is to remain the same and is unaffected by the proposed build. The use is long established and currently accommodates parking areas to the front and side of the building amounting to 13 spaces. However, the car park is not formally laid out with marked bays.
- 6.29 The development will result in the reinstatement of 1 consulting room, not the creation of an additional room. It is intended that this will allow 1/2 additional clinical staff members (1 full time equivalent). No increase in administrative staff numbers are proposed as these functions are simply being relocated into the new first floor office area. With the nature of the use being on an appointment basis, the level of parking is considered sufficient. On this basis, officers consider that the proposal will have minimal impact on the current parking provisions on site and a refusal on this basis could not be justified
- 6.30 Essex County Council raise no objection to the development subject to conditions relating to the parking area being formally marked out into bays, cycle parking provision and the storage of building materials within the site during construction. The formal marking out of the car park would help maximise the use of the space for staff and patients including those with mobility problems. The provision of cycle storage would also improve accessibility to the site and promote alternative modes of transport. These suggested conditions are therefore considered reasonable in this instance. Due to the close proximity of the building to existing neighbours and limited space on site, a full Construction Method Statement is considered necessary as an alternative to the condition suggested by The Highway Authority.

Other Matters

- 6.31 The site contains a High Pressure Gas Pipeline Coxhill/ Green Lane (1XEO) Inner, Mid & Outer Zones (7m) which runs along the rear part of the site.
- 6.32 Cadent have not provided any formal written comments in this instance. It was confirmed during a telephone conversation with one of Cadent's representatives on 22nd April 2020 that no comments were provided due to the proposed works being to upper floors only with no increase in footprint and no groundworks being undertaken.

7. Conclusion

- 7.1 In the absence of any material harm resulting from the proposed development and the weight attributed to the benefits of the scheme, the application is recommended for approval subject to conditions.

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) The development hereby permitted shall be begun before 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 the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 54-2019-04PA, 54-2019-03P and 54-2019-05PA.

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

- 3) Notwithstanding the details shown on the approved plans, the lower half of the 3 no. dormer windows on the south facing front elevation of the building shall be obscure glazed up to a mid-point of 0.5 metres. The obscure glazing shall be installed prior to occupation of the development and retained in this approved form in perpetuity.

Reason – In the interests of residential amenity.

- 4) Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. The Construction Method Statement shall provide for:

- safe access to/from the site;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel washing facilities;
- measures to control the emission of dust and dirt during demolition and construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- details of hours of deliveries relating to the demolition and construction of the development;
- details of hours of site clearance and construction;
- a scheme to control noise and vibration during the demolition and construction phase, including details of any piling operations.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

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.

- 5) Prior to occupation of the development, the vehicle parking area including any parking spaces for the mobility impaired, shall be marked out in parking bays in accordance with approved drawing number 54-2019-05PA. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason - To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety.

- 6) Prior to the occupation of the development, details of the siting and design of secure, convenient, covered Cycle / Powered Two-wheeler parking that accords with the Parking Standards shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained in its approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety.

- 7) All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details drawing number 54-2019-05PA shall be carried out 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 agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - In the interest of visual 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

1: The Highway Authority has discussed the location with the North Essex Parking Partnership who have confirmed that a set of parking restrictions for the junction with Edgefield Avenue and Colchester Road have recently been advertised and should be introduced by the end of the year.

2: For the cycle parking provision, the minimum requirement for this site will be 1 space per 4 staff plus 1 space per consulting room.

3: Steps should be taken to ensure that the Developer provides enough turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

4: 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.

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9. Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 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:
- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 9.3 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
- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 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.
- 9.6 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.
- 9.7 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

- 9.8 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.
- 9.9 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).

- 9.10 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

- 9.11 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.
- 9.12 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 (referenced within the report where relevant) also form background papers. In this instance, this includes a site video and tour. 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/>.