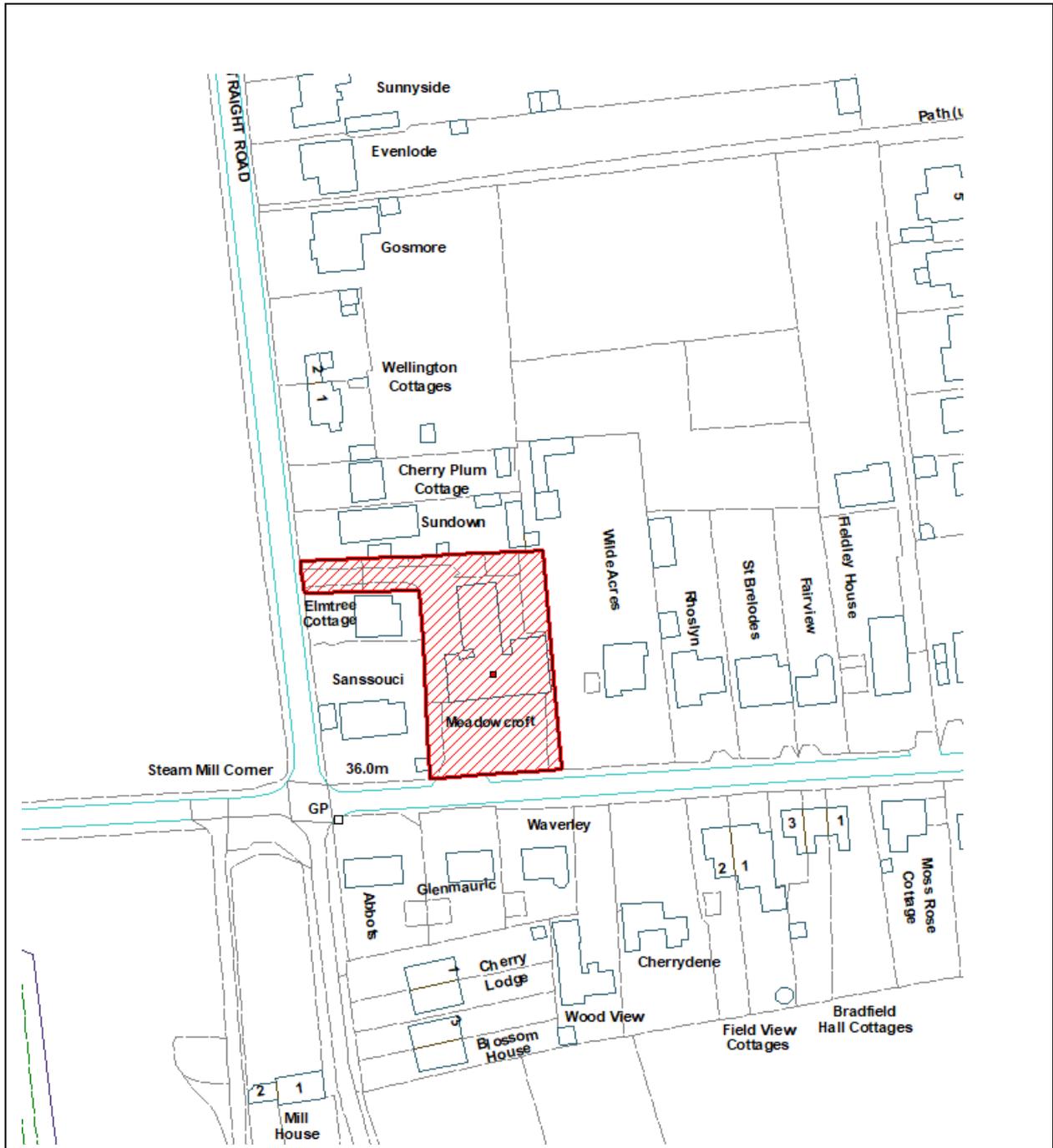


PLANNING COMMITTEE

14<sup>TH</sup> MARCH 2023

REPORT OF THE DIRECTOR OF PLANNING

**A.3 PLANNING APPLICATION – 22/01603/FUL – MEADOWCROFT STEAM MILL ROAD  
BRADFELD MANNINGTREE**



DO NOT SCALE

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<b>Application:</b>	22/01603/FUL	<b>Expiry Date:</b>	8th December 2022
<b>Case Officer:</b>	Matthew Lang	<b>EOT Date:</b>	17th March 2023
<b>Town/ Parish:</b>	Bradfield Parish Council		
<b>Applicant:</b>	Mr Volf - Stour Valley Care Group		
<b>Address:</b>	Meadowcroft Steam Mill Road Bradfield Manningtree CO11 2QY		
<b>Development:</b>	Proposed extension of existing Care Home to provide seven new en-suite bedrooms including lift and new stairs.		

## 1. Executive Summary

- 1.1 The application is before the Planning Committee following a call-in request from Councillor Fairley due to concerns that the proposed extension would harm the amenities of neighbouring residents and represent continued overdevelopment of the previous domestic bungalow which is out of keeping with the surrounding dwellings.
- 1.2 The proposal relates to a part single storey and part first floor extension to the existing care home to provide seven new en-suite bedrooms including lift and new stairs. The residents of Meadowcroft have, since 2000, been people with learning difficulties. It is now the intention of the owners to change the client group to elderly, with specialisation in palliative care.
- 1.3 Amended plans have been secured during the processing of the application to reduce the size of the extension and to remove several first floor west facing windows due to concerns over the neighbour impact.
- 1.4 The increased size of the building will not be materially harmful to the character and appearance of the surrounding area and will result in a neutral impact to existing neighbouring amenities. Whilst no changes are proposed to the site access or parking arrangements, Essex Highways Authority have raised no objections in terms of the increased use of the site and parking provision is considered to be acceptable.

### **Recommendation:** Approval

- 1) That the Director of Planning be authorised to grant planning permission subject to conditions as stated at Paragraph 9.2 (or as need to be varied\*) and those as may be deemed necessary by the Director of Planning; and,
- 2) The informative notes as may be deemed necessary.

*\*To account for any errors, legal and necessary updates*

## 2. Planning Policy

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

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

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

LP10 Care, Independent Assisted Living

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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

- 2.2 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), together with any neighbourhood plans that have been brought into force.

### **3. Relevant Planning History**

12/00866/FUL	Change of use to residential care home and extension of existing building to create four additional bedrooms.	Approved	25.09.2012
21/01782/FUL	Proposed extension of existing care home to provide additional bedrooms and new kitchen.	Approved	13.12.2021
22/01603/FUL	Proposed extension of existing Care Home to provide seven new en-suite	Current	

bedrooms including lift and new stairs.

#### **4. Consultations**

4.1 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.

4.2 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/>.

#### **Environmental Protection**

**11.11.2022**

Noise:

In order to minimise potential nuisance caused by demolition and construction works, the applicant (or their contractors) shall submit a full construction method statement. The statement shall include the following:

- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). 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.
- The use of barriers to mitigate the impact of noisy operations will be used where possible.
- All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

#### **ECC Highways Dept**

**26.10.2022**

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 assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material. The proposal is for the introduction of seven additional ensuite bedrooms

that will also see one additional full-time and two part-time members of staff employed. When completed the extended care home, will have a total of nineteen bedrooms. Vehicular access to the site and the building is unchanged by this application. It is noted that the existing car parking has proven to be more than adequate and the proposed increase in bedrooms will only marginally increase the demand for parking, plus there is additional parking available to the rear of the site which is accessed from Straight Road; the Highway Authority would not deem the introduction of the proposal at this location to have a severe traffic impact particularly at peak periods and during weekdays, considering these factors:

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 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.

2. As indicated on drawing no. 667/20 B, and as per the Essex Parking Standards (Parking Standards: Design and Good Practice, Sept 2009) 6 metres should be provided behind each parking space to allow for manoeuvring.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

3. 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.

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.

## 5. Representations

5.1 No comments have been received from Bradfield Parish Council.

5.2 Cllr Fairly has provided the following comments, as part of the formal member 'call-in' process (comments were received prior to the receipt of amended plans);

- The care home, known as Meadowcroft is a converted domestic bungalow, bordered on both sides by other domestic dwellings. There are currently ten self-contained rooms for residents in Meadowcroft, which is now a commercial establishment.
- This application seeks approval to build a second storey above both the existing ground floor building and another area already under construction. The application therefore proposes to increase the number of self-contained rooms to twenty. (**Officer Comment – Since the submission of amended plans the total number of rooms upon approval has decreased to 19).**

- If approved, the creation of the additional floor would result in overlooking the neighbouring home, resulting in a total loss of privacy and a reduction in light.
- The applicant states that, "...this forms part of the overall strategy of the Stour Valley Care Group". Whilst that may be the commercial aspiration of the applicant, there is no identified local need in Bradfield to increase the number of rooms in this establishment by 100%.
- Bradfield Parish Council considers this application to be continued overdevelopment of the existing domestic bungalow which is out of keeping with the surrounding dwellings.
- Meadowcroft is already a House of Multiple Occupancy (HMO) doubling the number of self-contained dwelling rooms, with all the resulting support services and other disruption to neighbours, is unacceptable in this residential and predominantly rural area in which it is located. **(Officer Comment – The property is not a House of Multiple Occupancy - HMO. Its lawful use is one of a care home (Class C2), as approved under planning reference 12/00866/FUL).**

5.3 3 letters of objection were received prior to the submission of the amended plans, these objections raised the following matters;

- Elmtree Cottage is not noted on the drawings as a house and could be interpreted as outbuildings belonging to Sansscouci.
- Loss of light to the rear of Elmtree Cottage, which contains the main living accommodation, due to proximity of Meadowcroft and the addition of a second storey.
- Significant loss of privacy to Elmtree Cottage as the windows of the proposed second storey will allow residents/staff/visitors to look directly into the living area. Residents will have no privacy in their home or back garden potentially causing anxiety and stress to the residents.
- Existing noise from residents, staff, bin lids and opening/closing of gates within Meadowcroft is having an adverse impact upon residential amenity. By increasing the size of Meadowcroft to accommodate a minimum of 8 extra residents noise levels will inevitably increase.
- Access is being used by large vehicles to collect refuse and causing noise/disturbance and damage.
- Meadowcroft has historically been a small care facility within a village environment it is our opinion that by significantly increasing its size it will become a commercial enterprise.
- Overlooking to the rear garden and rear elevation of Sundown due to siting of proposed west facing first floor windows.
- Loss of light to the kitchen/lounge serving Sundown and loss of outlook due to increase in size of building.
- The noise issue was not related to the one incident. The noise issue has been ongoing for a good number of years.
- To change to the dormer bedroom windows to velux roof lights might be an improvement but experience over the years has shown that the Meadowcroft velux rooflight in an existing part of the roof does not stop anyone from looking directly into Elmtree Cottage.
- In response to the applicant, Elmtree Cottage was purchased new in 2011 by the current owners and there was no leylandii hedging at the bottom on the garden to provide screening. This was not removed by the owners.

5.4 1 letter of objection has been received since the submission of the amended plans, this representation outlined the following matters;

- Having looked at the new proposal. We believe that although improved slightly, there is still good reason for concern.
- The extra roof height would impact on our sky light to kitchen and lounge windows. The extra volume of roof to look at each day is a dismal prospect.
- The roof windows, although better than the dormer, will NOT insure our privacy at all.
- The noise issue in the warmer months has not and cannot be addressed.
- Understandably windows are opened, patience, staff, and visitors use the grounds.

- Development will cause extra traffic, causing even more unacceptable noise. A big issue if you live next door.
- This large build and extra occupancy is not suitable placed in the middle of a residential area.

## **6. Assessment**

### Site Context

- 6.1 The application site is set within the settlement development boundary of Bradfield and contains a former dwellinghouse, converted to a care home by way of 12/00866/FUL.
- 6.2 The care home has a substantial footprint with the majority set at single storey level. There is a large parking area to the front (south) of the site along with parking to the rear. The care home has two vehicle access points, one to the south on Steam Mill Road and one to the west on Straight Road.
- 6.3 The site has no special designations and there are no protected trees on the site. The character of the area is predominantly residential.

### Planning History

- 6.4 Meadowcroft is an established Care Home with 10 en-suite bedrooms that has been used as a Care Home since 2000 for people with Learning/Physical disabilities. Originally having 6 bedrooms the building was extended in 2013 to its current 10 bedrooms under planning reference 12/00866/FUL. As stated above, the residents of Meadowcroft have, since 2000, been people with learning difficulties. It is now the intention of the owners to change the client group to elderly, with specialisation in palliative care.
- 6.5 Planning permission was granted in 2022 for extensions to the side and rear of the building (ref - 21/01782/FUL). The side extension is currently under construction providing one additional bedroom to the care home. The rear extension provided for two additional bedrooms, but this is incorporated into this latest scheme which when added to the bedrooms now proposed will provide 7 new bedrooms. When completed the extended care home, as now proposed, will have a total of 19 bedrooms.

### Proposal

- 6.6 This application proposes an extension to the existing care home to provide seven new en-suite bedrooms including lift and new stairs.
- 6.7 It is proposed to extend the existing building to the north side providing two new bedrooms, at ground floor, as approved under 21/01782/FUL, and five new bedrooms at first floor, each with en-suite bathrooms.
- 6.8 The proposed extension is at first floor level over the existing accommodation and is set in at its northern end to respect the relationship with the neighbouring site to the north. A small ground floor extension on the eastern side of the building is proposed to accommodate toilets.
- 6.9 The existing shared facilities like lounges and dining rooms will be kept and used by the residents of the new rooms. The development would create 1 no. additional full-time job and 2 no. part time roles.

### Principle of Development

- 6.10 The site is located within the Development Boundary of Bradfield and set within a built-up area, where the principle of extending and altering buildings is accepted subject to compliance with national and local planning policies.
- 6.11 Policy LP10 supports the provision of care homes and extra care housing within settlement development boundaries. Furthermore, to meet care needs and generate growth in the care sector, accommodation provision should be geared towards particular groups in the population, including the elderly. Residential institutions have the potential to accommodate a significant number of residents, employ substantial numbers of staff and receive visits from friends and family. Therefore, they are best located in sustainable locations, ideally within the settlement development boundaries of the district.
- 6.12 Applications for extensions to existing residential institutions will be considered on their own merits subject to meeting other relevant Local Plan policies.
- 6.13 The site is located within the settlement development boundary of Bradfield, the proposed development would not cause any material harm by way of conflict with other local policies and would provide additional social care accommodation.
- 6.14 The proposal therefore complies with the requirements of Policy LP10. As such, there is no principle objection to the proposal, subject to the detailed considerations discussed below.

#### Design and Appearance

- 6.15 Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.16 Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials and should respect or enhance local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features.
- 6.17 The proposed development ensures that adequate separation distances are maintained between the built-form on the site and shared boundaries with adjacent properties. Whilst the extension would extend the building up to first floor level along the majority of the rear projection, given that the site is enclosed on all sides by existing built form, it would not appear prominent in views from nearby public vantage points.
- 6.18 Moreover, the proposed extension would follow the line and pitch of the existing roof which represents a 2 metre increase to the ridge line over the height of the existing single storey element. This relatively minor increase in height combined with the fact that the extension is hipped means that the bulk and massing of the development is not excessive.
- 6.19 The proposed development would be finished with brickwork, render and clay tiles all of which would continue, and match, the appearance of the existing building. The fenestration would be of white PVC to match existing. The proposed development is considered to be of a design that is in keeping with the existing building and it would be congruent with the character of the surrounding area.
- 6.20 After the construction of the extension the site will still retain sufficient amenity space on its eastern side and the car parking areas are not affected by the development.

6.21 Therefore, the design of the proposed development is considered to be acceptable; it would not cause harm to the character and appearance of the existing building or its surrounds and complies with the requirements of policy SPL3.

#### Impact on Residential Amenity

6.22 The NPPF, at paragraph 130 states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Policy SP7 of the Tendring District Local Plan 2013-2033 requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

6.23 When the application was originally submitted the first-floor addition contained several first floor windows looking west over the neighbouring property (Elmtree Cottage) and the extension was higher to ridge height. The development also extended up to the neighbour's boundary to the north (Sundown) at first floor level.

6.24 Following concerns raised with the applicant in respect of the loss of privacy and outlook to neighbouring residents, officers have secured amended plans which; remove the first-floor windows facing west, set the first floor element in 3 metres from the northern boundary and reduce the overall height of the extension by 0.3 metres and the eaves by 0.15 metres. The windows have been replaced by high level rooflights within two of the bedrooms facing west where the cill height is to be set above normal eyeline level of 1.7 metres. This has been demonstrated on the submitted section drawing. The rooflight to the northern elevation will also be set at this height to avoid any loss of privacy to the neighbouring residents.

6.25 Furthermore, a sunlight/shadowing plan has been provided which demonstrates that due to the decrease in the mass and bulk of the extension and the degree of separation to the rear gardens serving nearby properties, there would be very little impact in terms of shadowing or loss of natural light to these areas. The shadow lines for 8.00am and 9.00am both show minimum intrusion into the gardens of 'Sundown' to the north and 'Elmtree Cottage' to the west and no reduction in sunlight in to the habitable rooms serving those properties. After this time and as the sun comes round to the south the shadow line is even further reduced

6.26 The 3 metre offset of the first-floor element from the northern boundary with 'Sundown' combined with the 20 metre distance from the corner of the first floor element to the rear elevation of that property ensures that any impacts in terms of outlook would be minimal. The hipped nature also assists in reducing the bulk of the extension when viewed from the neighbour's rear garden.

6.27 Overall and in view of the above the proposal would not demonstrably harm the amenities of residents living in the vicinity thereby according within the requirements of the above-mentioned national and local planning policies.

#### Highway Safety/Parking

6.28 Paragraph 108 of the National Planning Policy Framework 2021 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 111 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.

6.29 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.

Local Plan Policy CP2 states proposals will not be granted planning permission if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.

- 6.30 In this instance, the proposal does not propose any new access points from the highway and any increase in traffic would be relatively insignificant. The existing parking provision of 16 spaces to the front of the building would be unchanged by the development and additional overspill parking is also available to the rear for staff. The supporting information states that the number of staff on site at one time is usually 5 or 6 and there is a change over for a short period but at these times there are generally no visitors, so the parking has capacity to cope with it. Maximum parking standards apply, and it is therefore considered that the proposed development would maintain adequate parking provision for staff and visitors.
- 6.31 ECC-Highways have reviewed the application and confirm that they have no objections subject to conditions relating to a construction method statement (CMS) being provided, the parking area being laid out in accordance with the parking standards and cycle/powered two-wheeler parking being provided. A CMS will be secured via condition to ensure that sufficient space is made available within the site for unloading/loading of materials and construction staff vehicles. The parking areas remain unchanged by this proposal so the condition relating to the parking dimensions is not considered to be reasonable in this instance. Due to an increase in staff numbers and visitors to the site, as a result of the development, a condition will be applied to secure details of a new cycle and powered two-wheeler parking facility.

## **7. Conclusion**

- 7.1 The proposed development is in accordance with the aforementioned national and local policies. The absence of any identified material harm that would be caused by the proposed development, and because of the benefits that would be provided by way of additional care accommodation, the application is recommended for approval.

## **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). COMMENCEMENT TIME LIMIT**

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 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.

- 667/21 B (Existing Elevations and Floor Plans)
- 667/20 C (Site and Block Plan)
- 667/26 A (Amended Sunlight/Shadowing Plan)
- 667/25 B (Amended Proposed Floor and Elevations Plan)

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). CONSTRUCTION MANAGEMENT TO BE AGREED (PRE COMMENCEMENT)

CONDITION: Prior to the commencement of development details of the construction methodology and timetable shall be submitted to and approved, in writing, by the Local Planning Authority. This shall incorporate the following information:-

- a) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
- b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.

- c) Details of how construction and worker traffic and parking shall be managed. This shall include routing of all traffic and any directional signs to be installed and where.
- d) Details of any protection measures for footpaths and trees surrounding the site.
- e) Details of any means of access to the site during construction.
- f) Details of the scheduled timing/phasing of development for the overall construction period.
- g) Details of measures to control the emission of dust and dirt during construction, and including details of any wheel washing to be undertaken, management and location it is intended to take place.
- h) Details of the siting of any on site compounds and portals.
- i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
- j) Site waste management plan (that shall include reuse and recycling of materials)
- k) Scheme for sustainable construction management to ensure effective water and energy use.
- l) Scheme of review of complaints from neighbours.
- m) Registration and details of a Considerate Constructors Scheme
- n) Details on the provision, location and management of any show home/s or reception, including opening times, parking and advertisements (including flags and directional signs). The said methodology as may be approved shall be implemented in its entirety and shall operate as may be approved at all times during construction.

REASON: To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.

**NOTE/S FOR CONDITION:**

You are strongly advised to discuss this condition with the Local Planning Authority and if possible/available local residents likely to be affected by this development prior to submission of details.

**4). CYCLE / POWERED TWO-WHEELER PARKING FACILITIES TO BE AGREED**

Prior to the first occupation of the approved development details of a cycle / powered two-wheeler parking facility to be provided within the site shall be submitted to and approved, in writing, by the local planning authority. The approved facility shall then be constructed, as approved, prior to occupation and retained in perpetuity.

REASON: To ensure appropriate cycle / powered-two-wheeler parking is provided in the interest of highway safety and sustainability.

**8.3 Informatives**

**Positive and Proactive Statement**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**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.

### **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/>.