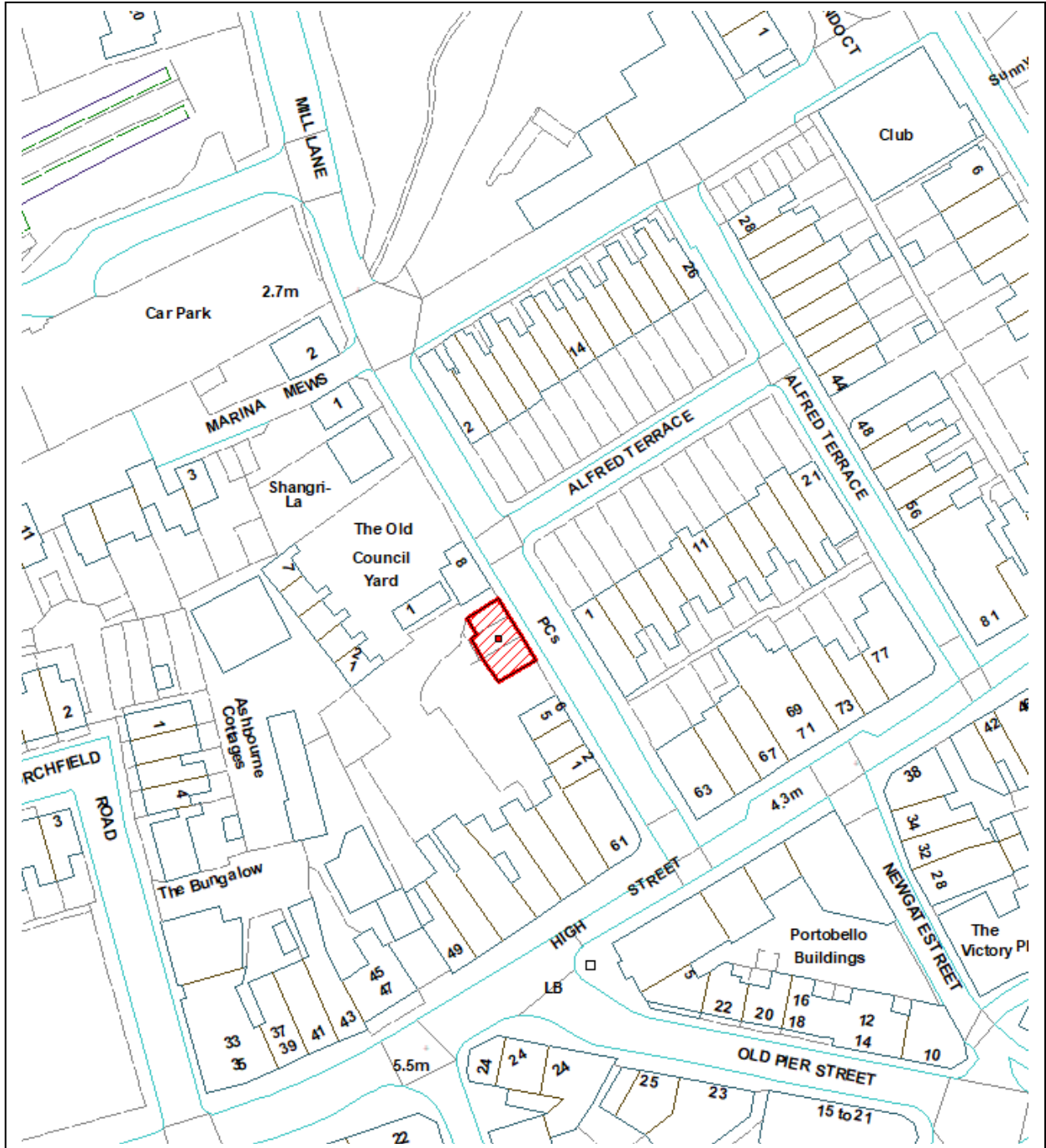


PLANNING COMMITTEE

6th JUNE 2023

REPORT OF THE DIRECTOR OF PLANNING

A.3 PLANNING APPLICATION – 23/00107/FUL – FORMER PUBLIC CONVENIENCES MILL LANE WALTON ON THE NAZE ESSEX CO14 8PF



DO NOT SCALE

© Crown Copyright and database right 2023. Ordnance Survey Licence No.100018684.

Application:	23/00107/FUL	Expiry Date:	5th April 2023
Case Officer:	Alison Pope	EOT Date:	12th June 2023
Town/ Parish:	Frinton & Walton Town Council		
Applicant:	Mr Nicholas Clare		
Address:	Former Public Conveniences Mill Lane Walton On The Naze Essex CO14 8PF		
Development:	Proposed change of use of public convenience to a workshop for upholstery, furniture repair and bespoke headboards.		

1. Executive Summary

- 1.1 The planning application has been referred to Planning Committee as Tendring District Council are the landowners of the application site.
- 1.2 The application seeks permission to change the use of the building, formerly a public convenience to a workshop for upholstery, furniture repair and bespoke headboards.
- 1.3 The proposal will involve internal alterations only to create a space within which to work.
- 1.4 The proposal is not considered to be harmful to the character and appearance of the conservation area, it will not result in any significant impact to neighbouring amenities and it is acceptable in terms of highway impacts and flood risk.

Recommendation: Approval

- 1) That the Planning Manager be authorised to grant planning permission subject to the conditions as stated at paragraph 8.2, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,
- 1) The informative notes as may be deemed necessary.

2. Planning Policy

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

National:

National Planning Policy Framework 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

PP2 Retail Hierarchy

PP5 Town Centre Uses

PPL1 Development and Flood Risk

PPL8 Conservation Areas

CP1 Sustainable Transport and Accessibility

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

3. Relevant Planning History

Having reviewed and taken into account, there is none relevant to this application to report.

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/>.

ECC Highways Dept

23.03.2023

The information submitted with the application has been assessed by the Highway Authority and conclusions have been drawn from a desktop study with the observations below based on the submitted material and additional information provided. No site visit was undertaken in conjunction with this planning application. It is noted that the applicant lives locally and currently rents a shop in the High Street, but the building is now being sold and the applicant needs to find new premises to work from, the proposal site will be in walking distance for the applicant and will work alone while any vehicle used for the business will continue to be kept at the home address. A courier delivery happens occasionally, and they currently deliver to the home address, and this will continue. Any loading and unloading at the application site, is likely to occur once a week from outside the premises, 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 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. 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.

Informative:

1: 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

2: No permanent part of a development shall overhang the highway.

3: 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.

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

Essex County Council Heritage

06.03.2023

The application is for proposed change of use of public convenience to a workshop for upholstery, furniture repair and bespoke headboards.

The proposal site is an early 20th century building within the Walton Conservation Area. The existing dwelling was built as a Fire Station in close proximity to the former Town Hall and Barclays building. It has been converted in 1950s and has been in use as a public toilet Tourist Information Centre until late 2010s. The site is currently empty and in state of disrepair, however still retains a number of original features of architectural interest and has the potential to be considered a non designated heritage asset for its historic and communal

value. The site positively contributes to the character and appearance of the Conservation Area.

There is no objection in principle to the proposed change of use which would only involve the demolition of modern partitions forming the former toilet cubicles. However, it is noted that, in order to allow for the conversion and use of the existing building, a number of external works will be required, including new windows and doors and wall repairs which could potentially affect the character and appearance of the Conservation Area. It is therefore advised that, previous commencement of any works on site, details and specifications of proposed windows and doors and schedule of repairs are submitted for approval to the local planning authority.

Any proposal for new shopfront and/or sign, where required, would also require previous approval.

Environmental Protection

16.02.2023

Thank you for your consultation regarding the proposed development above. The Environmental Protection Team's comments are given below:

Waste

No burning of waste items arising from the proposed business to take place on site. All waste shall be removed from site on a regular basis by a licensed waste carrier and disposed of at a licensed waste disposal site.

Noise

The applicant does not indicate if they will be using power tool (and other machinery) on site, therefore if applicable the following is recommended:

No power tools, equipment, machinery, or plant other than portable hand tools shall be used on the site before 08:00 hours on Mondays to Fridays and 09.00 hour on Saturdays, nor after 18:00 Mondays to Fridays and 12:00 hours on Saturdays, nor at any time on Sundays or Bank and Public Holidays.

Reason: Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by the Environmental Protection Team.

5. Representations

- 5.1 Frinton and Walton Town Council support the planning application.
- 5.2 Frinton and Walton Town Council request for the provision of public toilets to be explored by Tendring District Council.
- 5.3 There have been no other letters of representation received.

6. Assessment

Site Context

- 6.1 The application site is located on the western side of Mill Lane, within the town centre boundary of Walton on the Naze, within the settlement development boundary of Frinton, Walton and Kirby Cross, within Flood Zones 2 and 3 and within the Walton Conservation Area.

- 6.2 The application site consists of a single building, owned by Tendring District Council which at ground floor is arranged as public conveniences and the first floor was formally an office although there is currently no access to the first floor. The building is boarded up as it was closed to the public a number of years ago. Tendring District Council own the yard immediately to north of the site which is still in use by the Council. Opposite the site is Alfred Terrace, a residential street of terraced housing on each side. To the south is the town centre, made up of predominantly retail and café uses. Mill Lane progressing north leads to the Walton Backwaters and the Walton and Frinton Yacht Club.

Proposal

- 6.3 The application seeks permission to change the use of the building, formerly a public convenience (Class Use – Sui Generis) to a workshop for upholstery, furniture repair and bespoke headboards (Class Use E g) iii – any industrial process which can be carried out in any residential area without causing detriment to the amenity of the area).
- 6.4 The applicant indicated that they will use the building for his own business and does not have any other employees. While these matters may change if permission was approved, it is considered that the extent of the use is contained by the red line plan and restricted to a small scale use.
- 6.5 The proposal will involve internal alterations only to create a space within which to work.

Principle of Development

- 6.6 Walton on the Naze is classified as a Town Centre under Policy PP2 and will therefore be a focus for 'town centre uses' which include retail, leisure, commercial, office, tourism and cultural, community and residential development which properly relate in their scale and nature.
- 6.7 The application site is located within the Town Centre Boundary for Walton on the Naze consequently, Policy PP5 is relevant. This policy states that within Town Centre boundaries, proposals for development or change of use for 'main town centre uses' (as defined in Policy PP2) ... will be permitted where they comply with other relevant policies in this Local Plan and support the vitality and viability of the town centre. As such the workshop use proposed, given that it is a Class E use, is acceptable in principle.
- 6.8 The principle of development is acceptable in this case subject to the detailed considerations below.

Appearance and Heritage Impact

- 6.9 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.
- 6.10 Policy PPL8 seeks to ensure that any new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area, especially in terms of: any important views into, out of, or within the Conservation Area.
- 6.11 The change of use requires associated internal alterations which involves removing the existing cubicles and partitions to create an open space for use as a workshop. One internal door will be inserted in an internal wall so that the spaces are connected and can be used as planned. However, it is the change of use that needs permission and not the internal changes.

- 6.12 There are no planned changes to the exterior of the building although the separate agreement between the Council and the applicant beyond the role of Local Planning Authority will require the applicant to maintain the building. It is noted that repairs may be required to some windows and doors and this will be undertaken should the change of use be granted. The associated works likely as a result of a viable change of use being granted, would bring the building back into use, will ensure it is maintained and prevent further disrepair and help thereby preserve the character and appearance of the conservation area.
- 6.13 Essex County Council Place Services have been consulted on the application for their heritage advice and although they have no objection in principle they note that a number of external works will be required, including new windows and doors and wall repairs which could potentially affect the character and appearance of the Conservation Area.
- 6.14 There is no intention on the part of the applicant to replace the windows and doors. The applicant has confirmed that he will assess the extent of repairs required following a grant of planning permission for change of use as he currently has limited access to the building. It is understood that repairs can be affected rather than any alterations or replacements to the existing fenestration.
- 6.15 Place Services request that details and specifications of proposed windows and doors and schedule of repairs are submitted for approval to the local planning authority, however generally repairs to buildings in conservation areas do not need planning permission unless they include alterations which significantly change the external appearance of the building. The essence of repair is that it is carried out on a 'like for like' basis, matching materials and detail and therefore it is considered that details, specification and a schedule of works is not required in this case.
- 6.16 The applicant is aware that any alterations, other than repairs, that may be required to the windows, doors or external finish of the building will require planning permission. An informative will be added to the grant of planning permission on this matter, as will an informative that confirms advert consent may be required for a sign or advertisement on the building should this be proposed at a later date.
- 6.17 The change of use to the building as proposed is considered acceptable and will not significantly harm but rather preserve and likely enhance the character and appearance of the conservation area.

Highway Safety/Parking

- 6.18 The public convenience building at Mill Lane does not benefit from any off road car parking or amenity space, however due to the location of the building, in a sustainable location, facilities and services are located close by, with public car parking available along Mill Lane and behind the Co-operative store on the High Street. Furthermore it is considered that the current use has no parking and this represents a likely decrease in customers should the previous use be restored.
- 6.19 The above reasons are considered sufficient to consider the proposal favourably in terms of highways. However, it is noted that the applicant provides the following:-

The applicant owns a transit van and travels once a week to collect his work and materials required.

He will unload the work once a week from his van outside the application site. His van will then be parked back on his driveway at his home address in Walton on the Naze not far from the site. The applicant receives a courier delivery occasionally, usually a roll of material and they will deliver to his home address as they do now.

- 6.20 Essex Highways have been consulted as part of the application process and they confirmed the impact of the proposal is acceptable subject to conditions relating to areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials shall be provided clear of the highway, and that cycle/powered two-wheeler parking shall be provided.
- 6.21 The applicant will be effecting change of use to the building on a restricted red line plan therefore it is not reasonable or necessary to impose the condition relating to building materials when this would be beyond the scope of development. The works are not considered to be of a scale that is restricted and limited by the red line that requires large deliveries.
- 6.22 The condition relating to cycle/powered two-wheeler parking is not recommended to be imposed. The building is located within the town centre where facilities already exist nearby for this type of parking and therefore the condition is not necessary. The building does not benefit from amenity space beyond the building and therefore it is not reasonable to expect the applicant to provide this.

Impact on Residential Amenity

- 6.23 Policy SPL3 Part C seeks to ensure that new development (including changes of use) is compatible with surrounding uses and minimise any adverse environmental impacts in terms of amenities of occupiers of nearby properties including health or safety through noise, vibration or other forms of pollution or nuisance.
- 6.24 The proposed use of the application site will be for a light industrial process, namely upholstery and furniture repairs. The residential properties of Alfred Terrace are on the opposite side of Mill Lane to the north east, while retail uses dominate south of the application site as Mill Lane joins the centre of the town. To the north west of the site is a Council owned yard.
- 6.25 Following consultation with the Council's Environmental Health team, they do not object to the proposal subject to conditions being imposed on the grant of planning permission which require the applicant to manage any waste created by the use and which restrict the hours of operation of machinery and hand tools in order to protect the environment and the amenity of neighbours. The matters of waste if outside the building would need a further permission and so this condition is not recommended. Conditions to control noise and hours are reasonable for the avoidance of doubt.
- 6.26 As a result of the separation distance from residential properties, no new opening and considering there will be no extensions to the existing building ensure there will be no impact to any neighbouring properties in terms of outlook, overlooking or loss of light sufficient to warrant refusal.
- 6.27 In this case it is considered that there is no significant impact to neighbouring amenities due to the location of the proposed use in an existing building located within the busy town centre surrounded by a mix of uses and town centre activity.

Flood Risk

- 6.28 Paragraph 168 of the NPPF states that applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments (FRA)
- 6.29 Footnote 55 confirms that a site-specific FRA should be provided for all development in Flood Zones 2 and 3.

- 6.30 The planning practice guidance and footnote 56 of the NPPF also states that the Sequential and Exception Tests do not need to be applied to minor developments and changes of use, except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site.
- 6.31 The proposal is for a change of use from a public convenience to a workshop within Flood Zones 2 and 3. The proposal does not involve a change of use to a caravan, camping or chalet site, or to a mobile home or park home site and therefore the sequential and exception tests are not required, however an FRA has been submitted.
- 6.32 The proposed use of the building as a workshop is classed as 'less vulnerable' according to Annex 3: Flood risk vulnerability classification of the National Planning Policy Framework.
- 6.33 In Flood Zone 2 standing advice for vulnerable developments should be followed for developments (including change of use) that will have a vulnerability classification of 'less vulnerable' and is not a waste treatment site, mineral processing site, water treatment plant, or sewage treatment plant.
- 6.34 In Flood Zone 3, the Environment Agency should be consulted in the case of changes of use where the vulnerability classification will be 'more vulnerable' or 'highly vulnerable' or change from 'water compatible' to 'less vulnerable'.
- 6.35 The FRA is considered appropriate to the scale, nature and location of the development and proportionate to the degree of flood risk, and follows standing advice.
- 6.36 The FRA confirms that current policy of the Shoreline Management Plan, taken from the Council's Strategic FRA is to "hold the line" at major population centres and that for planning purposes a high level of protection from tidal flooding is expected into the future. Hold the line means holding the existing defence line by maintaining or changing the standard of protection.
- 6.37 Specifically, the Shoreline Management Plan confirms that zone B5, known as the Walton Channel of the Hamford Water management unit to the north of the application site will 'Hold the Line' for the short (now-2025) and medium (2025-2055) term, and the standard of protection will be maintained or upgraded in the long (2055-2105) term.
- 6.38 The Shoreline Management Plan confirms that zone C1 known as Walton on the Naze and Frinton on Sea, the coastline to the south of the application site will 'Hold the Line' for the short (now-2025), medium (2025-2055) and long (2055-2105) term.
- 6.39 The FRA confirms that where possible the alterations to the existing building should be in line with guidance set out in CIRIA Property Flood Resilience Code of Practice which is considered acceptable.
- 6.40 The FRA also confirms that the Flood Warning Service operated by the Environment Agency will be used. The Environment Agency aim to provide a minimum of 1-2 hours lead time for Flood Warnings on rivers and 6 hours for tidal or coastal locations ensuring there will be sufficient time to vacate the site.
- 6.41 The principle of the proposed change of use to a workshop is acceptable from a flood risk perspective. The applicant has submitted an FRA which confirms the Shoreline Management Plan in place, adherence where possible to the CIRIA Property Flood Resilience Code of Practice and use of the Flood Warning Service.
- 6.42 It is considered that the proposed use which does not include any habitable space and will be used for business purposes during the day time only is acceptable in this location.

Other Considerations

- 6.43 Frinton and Walton Town Council support the planning application however they would like the provision of public toilets to be explored by Tendring District Council. This matter has been passed to the Council's Public Realm team to consider as a separate matter.

7. Conclusion

- 7.1 The application proposes the change of use from public conveniences to a workshop for upholstery, furniture repair and bespoke headboards. It is considered that bringing the building back into use which will ensure it is maintained will preserve the character and appearance of the conservation area. It will not cause any significant harm to neighbouring properties, it is acceptable to Essex Highways and acceptable in terms of flood risk. Accordingly, the application is considered to be policy compliant and 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 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.

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

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

The approved red line plan drawing is Drawing No. 1 Revision A received 18 January 2023 Drawing titled "ELEVATION A New opening" Scale 1:50
Proposed floor plan showing cubicles and partitions to be removed and insertion of new doorway.

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

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

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

3 ONGOING REQUIREMENT IMPOSED - NOISE RESTRICTIONS & WORKING TIME LIMITS

CONDITION: No machinery (all fixed and hand machinery) on site or as may be brought on site, as defined by the red line plan with regard to this permission, shall be operated on the site (including inside any buildings) before 08:00 hours on Mondays to Fridays and 09.00 hour on Saturdays, nor after 18:00 Mondays to Fridays and 12:00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

REASON: In the interest of the amenity of neighbouring residents having regard to the background noise levels in the area.

NOTE/S FOR CONDITION:

1) This condition shall engage and restricts the operation of the development from the first commencement of the use. This condition is imposed to ensure the development avoid unreasonable impact on the residential amenity of neighbouring dwellings, especially given the location of the development. Without the imposing of this condition, the development would be refused due to the risk of harm and this condition is considered necessary, enforceable and reasonable in all other respects.

2) This condition does not include vehicles (for example HGVs) capable of using the public highway in the definition of machinery as these are not fixed to the site and/or building/s nor regarded as hand machinery.

You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement or sign at the property.

If exterior alterations are required to the building planning permission will be required due to its location in the Conservation Area.

Highways Informative

1: 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

2: No permanent part of a development shall overhang the highway.

3: 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.

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

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 (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/>.