

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	AP	23/11/2023
Planning Manager / Team Leader authorisation:	ML	23/11/2023
Planning Technician final checks and despatch:	ER	23/11/2023

Application: 23/01360/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr G Mathew

Address: 41A High Street Walton On The Naze Essex

Development: Proposed sub-division of an existing first and second floor apartment into two separate apartments along with a second floor rear extension.

1. Town / Parish Council

Frinton and Walton Parish Council Supports the application.

2. Consultation Responses

Essex County Council
Heritage
16.10.2023

The application is for proposed sub-division of an existing first and second floor apartment into two separate apartments along with a second floor rear extension.

The proposal site is within the Frinton and Walton Conservation Area. The 1927 building is described in the Conservation Area Appraisal as a prominent element of the High Street, with an impressive gabled roof forming the "pivot between the two sections of the High Street". The existing building has been subject to a series of unsympathetic additions, including the prominent box dormer to the main facade, and many original features of the original shopfronts are now lost. However, the original layout is still legible and the building is considered to positively contribute to the character and appearance of the Conservation Area.

The site benefits from an extant permission for a second-floor extension to allow for the sub-division of the second floor into two separate apartments. The current iteration, which removes the external staircase and the unsympathetic flat roof and partially retains the existing rear lean-to, is considered to provide a less cluttered appearance to the rear elevation and a more sympathetic response to the historic environment. The proposal is therefore overall considered to better preserve the character and appearance of the Conservation Area.

There are concerns regarding the proposed layout of the second-floor rear window which is considerably large and not proportioned to the existing windows, failing to make a positive contribution to local character and distinctiveness, as set out in Paragraph 197c of the NPPF. Should the design of the rear window be revised, there would be no objection to this application subject to the following conditions:

- Prior to installation, a schedule of drawings that show details of all proposed windows and doors, in section and elevation at scales between 1:20 and 1:1 as appropriate, showing details of glazing type, framing, glazing bars, and cills, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented

in accordance with the approved details and shall be permanently maintained as such;

- Prior to commencement of above ground works/installation, specifications and samples of all external finish materials shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such.

UU Open Spaces
26.10.2023

Public Realm Assessment

Play Space - current deficit:

-Deficit of 14.61 hectares of equipped play in Frinton, Walton & Kirby

Formal Play - current deficit:

- Adequate formal open space in the area to cope with some future development

Settlement provision:

- Bathhouse Meadow LEAP 0.5 miles from the development

- Jubilee Playing Fields 1.1miles from the development

Officer Conclusions and Recommendations

Contribution necessary, related, and reasonable?
to comply with CIL Regs*

- There is a current deficit of play and open space in Frinton, Walton & Kirby. However, the facilities are adequate to cope with this development

Identified project*:

(In consultation with Town / Parish Council on upcoming projects or needs for maintenance)

- None on this occasion

ECC Highways Dept
16.10.2023

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2019.

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 proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator)

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

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: 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.

3: 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.

Environmental Protection
13.10.2023

With reference to the above application, please see below comments from the EP Team:

Construction Activities: In order to minimise potential nuisance caused by demolition/construction works, Environmental Protection recommend that the following below is conditioned;

- 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.

- No materials produced as a result of the site development or clearance shall be burned on site.

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).

REASON: to protect the amenity of nearby residential premises

3. **Planning History**

22/02034/FUL	Proposed second floor rear extension and new fire exit stairs.	Approved	15.02.2023
23/00269/FUL	Proposed change of shop front to aid the approved conversion of commercial to residential.	Approved	04.05.2023
23/00369/FUL	Proposed sub-division of existing first / second floor flat into two flats.	Approved	03.05.2023

4. **Relevant Policies / Government Guidance**

NATIONAL:

National Planning Policy Framework July 2023 (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
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP3 Spatial Strategy for North Essex
- 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
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- HP5 Open Space, Sports & Recreation Facilities
- DI1 Infrastructure Delivery and Impact Mitigation
- PP5 Town Centre Uses
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL8 Conservation Areas
- PPL10 Renewable Energy Generation
- CP1 Sustainable Transport and Accessibility
- CP3 Improving the Telecommunications Network

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

Status of the Local Plan

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

respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

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

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

Neighbourhood Plans

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

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

5. Officer Appraisal

Site Description

The application site is 41a High Street, which is a 3 storey building located on the northern section of High Street within the parish of Walton-on-the-Naze. The building comprises a former accountancy practice at ground floor, with residential use at first and second floors.

The surrounding area is heavily urbanised, with significant commercial and residential built form to all sides. The site itself falls within a Primary Shopping Area and is also within the Settlement Development Boundary for Walton-on-the-Naze within the adopted Local Plan 2013-2033. In addition, the site is within the Frinton and Walton Conservation Area.

Description of Proposal

This application seeks full planning permission for the sub-division of the first and second floors to provide for a total of two dwellings in lieu of the existing single dwelling, and a second-floor rear extension, a net increase of one dwelling is proposed. The revised layout would include at first floor two-bedroom dwelling and at second floor a one-bedroom dwelling.

Site History

In September 2021, under reference 21/01319/COUNOT, prior approval was granted to change the use of the ground floor into a one bedroom dwelling, further to this application 23/00268/FUL came forward and was approved for changes to the shop front to aid the approved conversion of commercial to residential.

In February 2023 under reference 22/02034/FUL, permission was granted for the erection of a second-floor rear extension, which was in place of an existing pitched roof extension of a smaller footprint to that proposed.

Application reference 23/00369/FUL sought permission for the subdivision of the first and second floor of the property into two flats, this was approved in May 2023.

Principle of Development

The site is located within the Settlement Development Boundary (SDB) for Walton-on-the-Naze, as Defined in the Local Plan. Adopted Policy SPL2 states that within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local plan policies. As such the principle of residential development on the site is acceptable, subject to the detailed considerations below.

There are no neighbourhood plans to consider.

Design and Appearance

The second floor extension approved under reference 22/02034/FUL has been amended under this application to remove the external staircase and include this internally while increasing the floor area of the extension compared to the previously approved scheme.

The proposal will be largely shielded from public views from the High Street and Churchfield Road by the existing building heights and layouts and other existing extensions, it therefore cannot be said to have an overly dominant impact/appearance on these areas while the pitched roof aligns with the roof of the existing dwelling. The proposal will also be visible from Mill Lane; however, it cannot be said to appear out of character and cannot be deemed to cause an incongruous feature within the area. The extension is an improved design to that previously approved.

The extension will be finished in painted render with plain tiles to match the existing. UPVC windows will be installed as is existing and conservation roof lights will be used.

The design and scale of the extensions would result in no material harm to visual amenity.

Heritage

The application site is located within the Frinton and Walton Conservation Area and consideration is given to the previously approved applications of 22/02034/FUL (second floor rear extension and new fire exit stairs) and 23/00369/FUL (subdivision of the first and second floor of the property into two flats).

Heritage advice was sought from Place Services at Essex County Council and they confirmed the proposal is considered to provide a less cluttered appearance to the rear elevation and a more sympathetic response to the historic environment and is therefore overall considered to better preserve the character and appearance of the Conservation Area. Place Services do recommend conditions relating to scaled drawings of the windows and doors, and samples of all external finish materials. It is not considered reasonable or necessary to impose these conditions. The existing dwelling has replacement UPVC windows and given the extension is at the rear and barely visible the submitted plans and accompanying details sufficiently describe the finish of the extension which is considered acceptable here.

Impact on Residential Amenities

Policy LP4(j) states there should be provision for private amenity space of a size and configuration that meets the needs and expectations of residents and which is commensurate to the size of dwelling and the character of the area. The submitted plans do not provide for any private amenity area. However, the site is within a highly sustainable location within good walking distance to key amenable areas including Walton Beach. In addition, the current use of the site is for residential purposes, and there is also an enhanced likelihood that the four bedroom current dwelling would attract a larger family than the proposed mix of one and two bedroom properties. Therefore, on balance and given the previous approval on the site, the lack of private amenity space is not considered harmful enough to warrant recommending a reason for refusal.

Policy LP3 requires compliance with the nationally described space standards. This standard deals with internal space within new dwellings and is suitable for applications across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. A two bedroom, three person single storey dwelling requires a minimum of 61 square metres of gross internal floor space which includes built in storage of 2 square metres while a one bedroom, two person single storey dwelling requires a minimum of 50 square metres of gross internal floor space which includes built in storage of 1.5 square metres. From the plans submitted the proposal falls short of the required standards, with the two bedroom dwelling measuring 59 square metres and the one bedroom dwelling measuring 41 square metres, however the first floor is considered to meet the standards where it is provided for only one person where 39 square metres is required. Consideration is given to the previously approved applications and the increased floor space provided as part of this application to the second floor flat while the dwellings do have adequate natural light and an appropriate internal layout and therefore the harm is not so significant to justify refusing planning permission.

Due to the close proximity of the extension to the second floor of the neighbouring property of 39 High Street the sunlight/daylight calculations specified in the Essex Design Guide have been applied. The 45 degree line from the rear extension obstructs rear second floor window of 39 High Street in plan although the 45 degree line from the roof obstructs less than half the rear second floor window in elevation and therefore it is considered that the loss of light that the proposal will cause is not considered so significant as to justify refusing planning permission on these grounds.

Due to the positioning of the second floor extension and the configuration of the neighbouring property of 43 High Street there will be no significant loss of light to this property.

Due to the position of the extension where the town centre buildings have little to no private amenity space and the rear yards are used mainly for refuse and parking, the extension is not considered to have a significant impact to neighbouring amenities in terms of loss of privacy or overlooking.

Access, Parking and Highway Safety

The proposal does not include off road car parking for either dwelling however given the location of the proposed dwellings in the town centre location close to local amenities and services it is not considered to be significantly harmful as a result of the sustainable location. There are two public car parks in the town centre in which visitors to the dwellings could park.

Essex County Council as the Highway Authority were consulted on the application and confirmed that the proposal is acceptable from a highway and transportation perspective subject to conditions relating to the submission of a Residential Travel Information Pack.

Drainage and Sewerage

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

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

The proposal is considered a minor development where there is no requirement to consult Essex County Council for sustainable drainage planning advice. Sustainable Drainage Systems (SuDS) are designed to replicate natural drainage systems, to drain surface water run-off, and in this case infiltration within the site, which will need to meet building regulation standards will be installed and is considered acceptable.

The site does not fall within a critical drainage area, is not at risk of surface water flooding and does not fall within the Dry Island area of Walton on the Naze.

Financial Contribution – Recreational Disturbance

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

The application scheme proposes one new dwelling on a site that lies within the Zone of Influence (Zol) being approximately 1,200 metres from the Hamford Water SAC, SPA and RAMSAR. However, new housing development within the Zol would be likely to increase the number of recreational visitors to Hamford Water; and, in combination with other developments it is likely that the proposal would have significant effects on the designated site.

Mitigation measures must therefore be secured prior to occupation. A unilateral undertaking has been prepared to secure this legal obligation. This will ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Financial Contribution – Open Space

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

In line with the requirements of Local Plan Policy HP 5 the Council's Open Spaces Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution towards public open or play space. Whilst they advise that there is a deficit of equipped play in Frinton, Walton & Kirby, no contribution is being requested as there are sufficient local facilities considered adequate to cope with this development.

Renewable Energy

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

The submitted Water, Energy and Resource Efficiency Measures document includes information on the type of electric heating to be installed, avoiding the use of oil or gas whilst it is also confirmed the measures to be put in place for waste reduction and these two measures will be secured by condition on the grant of planning permission.

It is acknowledged that there is no car parking for the two flats at first and second floor and therefore it is not reasonable or necessary to impose a condition for an electric vehicle charging point which would otherwise be required for a new dwelling in order to comply with Policy PPL10.

It is also understood that as the two dwellings do not benefit from any private outdoor space it is neither reasonable or necessary to impose a condition requiring a compost bin and a water but.

Policy PPL5 goes beyond the requirement of Building Regulations and stipulates a water consumption rate of not more than 110 litres, per person, per day for new dwellings and therefore along with the requirement of Policy CP3 to improve the telecommunications network whereby all new dwellings and non-residential buildings must be served by at least a 'superfast' broadband* (fibre optic) connection a condition will be imposed on the grant of planning permission to secure this provision.

Other Considerations

Frinton and Walton Town Council support the application.

The Council's Environmental Protection team have recommended conditions that control the hours of construction and restricts burning of materials on the application site. These conditions shall be imposed upon the grant of planning permission.

No other letters of representation have been received.

6. Recommendation

Approval - Full

7. Conditions

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 Ref. 3672-PA-LOC received 27 September 2023

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

NOTE/S FOR CONDITION:

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

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

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

3 RESIDENTIAL TRAVEL INFORMATION PACK

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

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

4 AGREEMENT OF MEASURES TO IMPROVE SUSTAINABILITY OF DEVELOPMENT

CONDITION: The approved water, energy and resource efficiency measures for the lifetime of the development includes:-

- Heating of each dwelling/building
- Waste reduction

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

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

5 AGREEMENT OF MEASURES TO IMPROVE SUSTAINABILITY OF DEVELOPMENT

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

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

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

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

NOTES FOR CONDITION:

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

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

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

- 6 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.

Reason - To protect the amenity of nearby residential properties.

- 7 No materials produced as a result of the site development or clearance shall be burned on site.

Reason - To protect the amenity of nearby residential properties.

8. **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.

Highways Informatives

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: 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.

3: 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. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Positive / Negative / Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Positive / Negative / Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Positive / Negative / Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Positive / Negative / Neutral

Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Positive / Negative / Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Positive / Negative / Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Positive / Negative / Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Positive / Negative / Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Positive / Negative / Neutral

The proposal overall shall have a neutral impact.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO