

Application:	23/01707/OUT	Expiry Date:	29th January 2024
Case Officer:	Amy Lang	EOT Date:	Not agreed
Town/ Parish:	Little Clacton Parish Council		
Applicant:	P. Kench, R. Carter Kench and C. Carter Golland		
Address:	Land adjacent 34 Amerells Road Little Clacton CO16 9HA		
Development:	Outline Planning Application with all matters reserved for the erection of two self-build/custom built dwellings.		

1. Executive Summary

- 1.1 The application is before Members at the request of Councillor Bray, due to the site being located outside the settlement development boundary and concerns with the impact of the proposed development.
- 1.2 The application relates to the land adjacent to number 34 Amerells Road, Little Clacton. The site is located to the eastern end of Amerells Road and forms part of an agricultural field.
- 1.3 The application seeks outline planning permission for the erection of two self-build/custom built dwellings with all matters reserved. For the avoidance of doubt, Access, Layout, Scale, Appearance and Landscaping are all reserved for subsequent consideration as part of future Reserved Matters application(s) (and if outline planning permission is granted).
- 1.4 The site is located outside, but directly adjacent to the defined Settlement Development Boundary of Little Clacton which is categorised within Local Plan Policy SPL1 as a Rural Service Centre in recognition of its level of services and amenities. Policy SPL2 does not explicitly preclude the development of housing outside SDBs as a matter of principle. The category of the settlement and the site's relationship with the defined settlement boundary complies with the principles of sustainable development as well as the policy requirements for self-build homes as set out in Policy LP7.
- 1.5 The proposed dwellings would intrude into the open field to some extent. However, the application site is bordered by existing development on 2 sides (immediately to south and west), and further away, the site is enclosed by residential development along Harwich Road (to the north) and Feverills Road (to the south). Views into the open field would largely be retained and a residential development here in the form of two dwellings would be viewed against the backdrop of the existing dwellings in Feverills Road. Consequently, no overriding harm to the character of the area or landscape would result.
- 1.6 The additional traffic associated with 2 no. dwellings would not be significant and could not be deemed as materially harmful to highway or pedestrian safety.
- 1.7 Officers consider that sufficient space is available on the site to provide a development of 2 dwellings that could achieve an internal layout and separation distances that would not detract from the amenities of nearby properties or the future occupiers of the proposed dwellings.
- 1.8 Considering the impact of the development and baseline situation on site, subject to the inclusion of the recommended conditions and completed UU, the development will conserve and enhance biodiversity interests.

1.9 For these reasons, the application is recommended for approval.

Recommendation: Outline Approval subject to UU

- 1) On appropriate terms as summarised below, and those as may be deemed necessary to the satisfaction of the Head of Planning and Building Control, to secure the completion of the drafted legal agreement (already received) under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters:
 - A financial contribution of £163.86 per dwelling (new tariff effective from 1st April 2024) (to be index linked) in accordance with the Recreational Avoidance and Mitigation Strategy (RAMS).
 - 2) That the Head of Planning and Building Control be authorised to grant outline consent subject to the agreed section 106 agreement and conditions as stated at paragraph 10.2, 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,
 - 3) The informative notes as may be deemed necessary.
- Or;**
- 4) That in the event of the Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within 12 months that the Head of Planning and Building Control be authorised to refuse the application on appropriate grounds at their discretion.

2. Status of the Local Plan

2.1 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 Local Plan 2013-33 and Beyond (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 made and the Minerals and Waste Local Plans adopted by Essex County Council.

2.2 In relation to housing supply:

The Framework requires Councils to significantly boost the supply of homes to meet the District's housing need. However, the revised Framework, published on 19th December 2023, sets out in Paragraph 76 that (for applications made on or after the date of publication of this version of the Framework) local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- their adopted plan is less than five years old; and
- that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.

The adopted Local Plan meets these criteria.

- 2.3 Notwithstanding this updated provision, the Council will continue to demonstrate an updated supply of specific deliverable sites within its Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in November 2023, and demonstrates a 6.44-year supply of deliverable housing sites against the annual requirement of 550 dwellings per annum set out within the adopted Local Plan, plus a 5% buffer to ensure choice and competition in the market. (The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>)
- 2.4 On 19th December 2023 the Government published the Housing Delivery Test (HDT) 2022 measurement. Against a requirement for 1,420 homes for 2019-2022, the total number of homes delivered was 2,207. The Council's HDT 2022 measurement was therefore 155%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development.

3. **Neighbourhood Plans**

- 3.1 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>
- 3.2 At the time of writing, there are no draft or adopted neighbourhood plans relevant to this site.

4. **Planning Policy**

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

National:

National Planning Policy Framework December 2023 ([NPPF](#))
 National Planning Practice Guidance ([NPPG](#))

Local:

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

SP1 Presumption in Favour of Sustainable Development
 SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
 SP3 Spatial Strategy for North Essex
 SP4 Meeting Housing Needs
 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
 HP5 Open Space, Sports and Recreation Facilities
 LP1 Housing Supply
 LP2 Housing Choice
 LP3 Housing Density and Standards
 LP4 Housing Layout
 LP7 Self-Build and Custom-Built Homes
 PPL1 Development and Flood Risk
 PPL3 The Rural Landscape
 PPL4 Biodiversity and Geodiversity

- PPL5 Water Conservation, Drainage and Sewerage
- PPL10 Renewable Energy Generation and Energy efficiency Measures
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network
- DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

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

Tendring Provision of Recreational [Open Space for New Development SPD](#) 2008

[Essex Design Guide](#)

[Technical housing standards](#): nationally described space standard Published 27 March 2015

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

5. Relevant Planning History

5.1 No site-specific planning history.

6. Consultations

6.1 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.

6.2 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

19.12.2023

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 submitted material with this planning application and in conjunction with a site visit. It is noted that the proposal site is located at the end of Amerells Road which forms a residential cul-de-sac which has no turning head. It was observed during the site visit that a refuse vehicle has to reverse down the full length of the road during a bin collection day to be able to drive back out in forward gear. There is an existing private roadway between No's 31 and 34 leading to the proposal site, this access does not form part of the publicly adopted highway and will not therefore introduce a new vehicular access. It is also noted that the road will remain as a private driveway, it is not considered that the introduction of two dwellings would give rise to a significant increase in vehicle movements to and from the site or result in a material change in the character of the traffic in the vicinity of the site, therefore:

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

Recommended conditions:

1. Minimum Size 3 Turning Facility
2. Prior to occupation; A straight section of carriageway to be provided from the entrance junction for a minimum distance of 6 metres; combined pedestrian and vehicular surface width of 6 metres; no unbound material shall be used in the surface treatment of the private driveway throughout; there shall be no discharge of surface water onto the Highway; each private vehicular access shall be constructed at right angles to the carriageway; the width of the access at its junction with the highway shall not be less than 3.6 metres (equivalent

to 4 drop kerbs), shall be retained at that width for a minimum distance of 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing; and The repair and/or resurfacing of the private road including the reconstruction of the kerbing on the south side between nos. 31 -34 to be agreed with the Local Planning Authority.

3. Parking space dimension.
4. Cycle / TWP parking.
5. Travel Information Pack.

UU Open Spaces

03.01.2024

Play Space - current deficit:

Deficit of 2.22 hectares of equipped play in Little Clacton

Formal Play - current deficit:

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

Settlement provision:

Parish Fields, Plough Corner 0.2 miles (open space and used for all sports)

Officer Conclusions and Recommendations

Due to the significant lack of play facilities in the area, a contribution towards play is justified and relevant to the planning application. The Parish Playing Fields at Plough Corner are located 0.2 miles from the proposed development in order to cope with additional development in the area the Parish are looking to improve the current facilities at this site.

Identified project:

The Parish Council have plans in place to carryout improvements and add additional facilities at Parish Playing Fields at Plough Corner. Any contribution received will go towards making these improvements.

Tree & Landscape Officer

14.12.2023

The application site is in agricultural use and forms part of the countryside setting to existing development. There are no trees or other significant vegetation in the main body of the application site or its boundaries. In terms of the impact of the proposed development on the local landscape character the development would be an extension to the existing development pattern. Whilst not out of keeping with the appearance of the existing, and adjacent, developed land the proposed development would, if approved, contribute to the gradual erosion of the countryside. Incremental development of this nature will diminish and degrade the rural character of the locality. Section 5.2 of the Planning Statement submitted in support of the application describes the planting of a hedgerow and trees on the eastern boundary of the application site.

Should planning permission be likely to be granted then details of soft landscaping, as described in the Planning Statement, should be secured by a planning condition. Soft landscaping should aim to soften, screen and enhance the appearance of the development.

Environmental Protection

08.01.2024

Construction Method Statement: We are satisfied with the submitted CMS and have no adverse comments to make.

Essex County Council Ecology

19.12.2023

No objection subject to securing:

- a) a proportionate financial contribution towards Essex Coast RAMS
- b) biodiversity mitigation and enhancement measures

Recommended conditions:

1. Biodiversity Enhancement Strategy
2. Wildlife Sensitive Lighting Design Scheme

7. **Representations**

Ward Member / call-in

7.1 The application has been referred to Planning Committee by Councillor Bray for the following reasons:

- Contrary to the development plan - outside of boundary
- Access issues affecting other residents, and additional highways/traffic on a dead-end road which is already hard to park/turn.
- Negative impact on urban design/street scene
- Negative Impact on neighbours
- Loss of agricultural land.

Parish / Town Council

7.2 Little Clacton Parish Council object to the application on the following grounds (officer response in italics).

- Unwanted expansion into the countryside.
- Changing the current status quo of the street scene by extending the road.
- Impact and effect on the character and appearance of what is currently a rural setting with protected wildlife in proximity.
- Loss of valuable agricultural land which supports the local economy.
- Disruption during construction phase on what is a narrow rural road to a dead end.

These concerns are addressed within the main assessment section below, under the relevant section heading.

Neighbour / Local Representations

7.3 31 letters of objection have been received against the application. The concerns raised can be summarised and addressed as follows (officer response in italics).

- Outside the settlement boundary.
- No housing shortfall.
- Does not meet the objectives of a sustainable development – contrary to development plan.
- Limited public transport and access to services.
- Will place added pressure on infrastructure and services.
- Will contribute to Little Clacton being overcrowded with newbuilds.
- Schools, doctors, and dentists are already over loaded.
- Mentioned appeal decisions from Weeley are not relevant.
- If approved, will set a harmful precedent.
- Harmful encroachment into the countryside.
- Severely harmful to the character of the area.
- Out of keeping with the village character.

These issues are addressed in the main report below.

- Planning history on the site for over 80 dwellings – this will lead to more being approved.
There is no planning application history for the current application site. The wider site (entire field at 4.37ha) was subject to an assessment under the Strategic Housing Land Availability Assessment (SHLAA) (site reference RCS13) but was discounted for the proposal of 87 dwellings due to access issues. However, it was noted that, if the access issues could be overcome, the site could come forward later in the plan period.
- Not in keeping with the properties in the road – larger with double garages.
The application seeks outline planning permission with all matters reserved. The detailed design, layout and parking arrangements will be assessed at the reserved matters stage / detailed application stage.
- Loss of agricultural land.
The scale of development will not result in a significant loss or harmful impact on agricultural land provision and productivity.
- No right of access over the access/unadopted part of the road.
- Who will be responsible for the future upkeep of the unadopted road.
The existing and future owners of the unadopted section of the road will be jointly responsible. This is a land ownership and access rights issue and not covered by planning legislation as part of a planning application.
- Unsuitable for Heavy Goods Vehicles (see sign at road entrance).
- Amerells Road is totally unsuitable for construction traffic.
- Parked cars overhanging footway - obstruction to pedestrians, emergency vehicles, refuse collection vehicles.
- Road too narrow to take more development, more on-street parking, construction traffic.
- Noise and dust from the construction.
Accessibility and parking is addressed in the main report below. While some degree of disruption during construction would be unavoidable, the consequent disturbance can be adequately mitigated by means of the accompanying Construction Method Statement, secured by condition.
- Local roads are already in disrepair and poorly maintained by the council.
As the Highway Authority for the area, Essex County Council are responsible for road conditions, not Tendring District Council.
- Unreasonable loss of amenity to adjacent properties.
- Loss of privacy.
- Harm to our standard of living.
Residential amenities are considered in the main report below. However, full consideration of the impact of the development upon neighbouring amenities will be fully assessed at the reserved matters stage of the application process.
- Loss of view.
This is not a material planning consideration.
- No site notice.
A site notice was erected within Amerells Road on 20.12.2023 and the application was advertised in the local paper on 15.12.2023, in accordance with statutory requirements. In addition, several neighbour notification letters were sent to neighbouring properties adjacent to the application site.
- Loss of habitat and harm to wildlife and protected species.

The site consists of arable land bordered by residential areas and no ecology reports are required. Essex County Council Ecology Team raise no objection to the development, subject to conditions.

8. Assessment

8.1 The main planning considerations are:

- Site Description and Context
- Proposed Development
- Principle of Development / Self-Build and Custom-Built Homes
- Scale, Layout and Impact
- Access, Parking and Highway Safety
- Residential Amenities
- Trees and Landscaping
- Habitats, Protected Species and Biodiversity Enhancement (including RAMS)
- Environmental Protection
- Flood Risk and Surface Water Flooding
- Foul Sewage Disposal and Drainage
- Planning Obligation - Open Space and Play Space
- Renewable Energy Generation and Energy Efficiency Measures

Site Description and Context

8.2 The site subject of this application is located at the eastern end of Amerells Road, off The Street (B1441) within the Parish of Little Clacton. The Highways Register confirms that the majority of Amerells Road is an unclassified road / Local Road. However, a short section at its eastern end leading to the open field beyond is Private. This section lies directly to the front of no. 29 and no. 31 (to the northern side of the road) and no. 32 and no. 34 (to the southern side of the road).

8.3 The application site lies adjacent to number 34 Amerells Road, measuring approximately 0.20 hectares in size (including connection to the adopted part of Amerells Road) and forms part of the wider open field.

8.4 The field extends to the east, up to Grove Road (running from the north to the south from Harwich Road to Feverills Road). The northern part of the wider field adjoins the rear gardens of existing dwellings fronting Harwich Road, and the southern part of the wider field adjoins the rear of existing properties fronting Feverills Road (open field beyond no. 71 Feverills Road).

8.5 The application site is currently in agricultural use (Grade 3 Agricultural Land - Good to Moderate). There are no trees or other significant vegetation in the main body of the application site or its boundaries. To the north of the site, adjacent to no. 31 Amerells Road is an area of well vegetated land containing several trees, including a protected mature Oak tree to its frontage (reference: 88/00010/TPO).

8.6 Amerells Road is characterised by a mix of single, 1.5 storey and 2 storey dwellings, although bungalows dominate the street scene specifically directly adjacent to the application site.

8.7 The site is located outside, but directly adjacent to the defined Settlement Development Boundary of Little Clacton.

Proposed Development

8.8 The application seeks outline planning permission for the erection of 2 two self-build/custom built dwellings.

- 8.9 The application is made in outline form with all matters reserved, thus considering the principle of development only. Access, Layout, Scale, Appearance and Landscaping are all reserved for subsequent consideration as part of a Reserved Matters or 'DETAIL' application.
- 8.10 The application is accompanied by a red lined site plan, but no indicative layout plan has been provided. However, the accompanying Planning Statement provides further details on what is envisaged for the site and how it could be developed to accommodate two new dwellings.

Principle of Development / Self-Build and Custom-Built Homes

- 8.11 Adopted Tendring District Local Plan 2013-2033 and Beyond (TDLP) Section 1 Policy SP3 sets out a spatial strategy for North Essex, which includes that development will be accommodated within or adjoining settlements according to their scale, sustainability, and existing role. TDLP Section 2 Policy SPL1 sets out a settlement hierarchy in which Little Clacton is defined as a Rural Service Centre.
- 8.12 TDLP Section 2 Policy SPL2 defines Settlement Development Boundaries (SDBs) for settlements listed in Policy SPL1. Outside SDBs, Policy SPL2 says that the Council will consider any planning application in relation to the pattern and scales of growth promoted through the settlement hierarchy in Policy SPL1 and any other relevant policies in the plan.
- 8.13 Although the supporting text indicates that development outside SDBs will be subject to strict control to protect and enhance the character and openness of the countryside, neither Policy SP3 nor Policy SPL2 explicitly preclude the development of housing outside SDBs as a matter of principle. Furthermore, the supporting text indicates that Rural Service Centres are expected to contribute to housing delivery during the plan period, at a scale which is proportionate, achievable and sustainable for each settlement.
- 8.14 Little Clacton provides a range of local services and facilities consistent with its status as a Rural Service Centre. A convenience shop and recreation ground are available within walking distance of the site. There is a bus route along the B1441, again being easily accessible from the site, providing public transport into Clacton-on-Sea.
- 8.15 As explained within the 'Status of the Local Plan' section above, the Council is able to report a comfortable surplus of housing land supply over the 5-year requirement. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development. However, the policies outlined above do not place an upper limit on housing delivery, nor would any such limit be consistent with the focus of national planning policy on boosting the supply of housing.
- 8.16 Ultimately, having regard to the specific policy wording as outlined above, the principle of providing two new self-build dwellings in this location directly adjacent to the SDB of Little Clacton may be acceptable in principle subject to criteria and having regard to all other relevant material planning considerations (covered below and in the remainder of this report).
- 8.17 Development at the modest scale proposed would not undermine Little Clacton's role as a Rural Service Centre and there is no clear evidence that it would compromise the Council's strategic approach to housing delivery. Future occupiers would have access to services and facilities, without being excessively reliant on travel by car.

Self-Build and Custom-Built Homes

- 8.18 As the application proposes self-build/custom built homes, TDLP Section 2 Policy LP7 is also of relevance to the consideration of this application.

- 8.19 Adopted Local Plan Policy LP7 states that, "The Council will also consider, on their merits, proposals for small developments of new Self-Build and Custom-Built Homes on land outside of, but within a reasonable proximity to, settlement development boundaries, where they will still support a sustainable pattern of growth in the District and are brought forward by individuals or associates of individuals who will occupy those homes. All new dwellings on such developments must either:
- a. be safely accessible on foot within 600 metres of the edge of the settlement development boundary of one of the District's 'strategic urban settlements', or 'smaller urban settlements';
 - b. be safely accessible on foot within 400 metres of the edge of the settlement development boundary of one of the District's 'rural service centres'; or
 - c. involve the redevelopment of vacant or redundant previously developed land that can be shown, with evidence, to be unviable for employment use."
- 8.20 As mentioned above, the site abuts the defined settlement development of Little Clacton which is categorised within Local Plan Policy SPL1 as a Rural Service Centre. The category of the settlement and the site's relationship with the defined settlement boundary therefore supports the proposed development for self-build homes being compliant with Policy LP7, b.
- 8.21 The latter part of Policy LP7 also states, "the proposal shall have no significant material adverse impact on the landscape, residential amenity, highway safety, or the form and character of nearby settlements and shall be otherwise appropriate in scale and design for their location, having regard to other policies in this Local Plan."
- 8.22 Having regard to the above, the principle of development on this site for two self-build dwellings is supported by policy LP7, subject to the detailed considerations below.

Scale, Layout and Impact

- 8.23 Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout, create a unique sense of place. Paragraph 135 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.
- 8.24 The site is part of an open field on the eastern edge of Little Clacton. There is existing housing slightly further to the north and immediately to the south, which also includes continuous and well-established housing along Harwich Road and Feverills Road, both extending beyond the proposed development site. Some sporadic residential and commercial development also exists along Grove Road to the east and southeast of the site.
- 8.25 Officers recognise that the existing field represents a visual break in built form, providing a sense of connection with the wider countryside. The provision of two dwellings on the site could be located and designed in a manner to ensure a continuation of the immediate linear pattern of development along Amerells Road.
- 8.26 The proposed dwellings would intrude into the open field to some extent. However, the application site is bordered by existing development on 2 sides (immediately to south and west), and further away, the site is enclosed by residential development along Harwich Road (to the north) and Feverills Road (to the south). Views into the open field would largely be retained and a residential development here in the form of two dwellings would be viewed against the backdrop of the existing dwellings in Feverills Road. Consequently, no overriding harm to the character of the area or landscape would result.

- 8.27 As explained above, the application seeks outline planning permission with all matters reserved. Although no indicative layout plan has been provided, the accompanying planning statement provides further detail on the development envisaged for the site. Having regard to the existing pattern of residential development in Amerells Road and the size of the site in relation to the size of existing plots, officers are content that 2 dwellings of a scale, layout and appearance in keeping with the character of the area could be achieved on the site. While the additional built development would be clearly visible, it would not be harmfully prominent or intrusive.
- 8.28 Whilst officers recognise the concerns raised about the potential for further development in the remaining field, it is a well-founded principle that each application should be considered on its merits. Should an application come forward in the future for further development proposals for part or all of the remaining field, this would require a case specific assessment against up-to-date policies and material planning considerations at the time.

Access, Parking and Highway Safety

- 8.29 Paragraph 114 of the National Planning Policy Framework seeks to ensure that safe and suitable access to a development site can be achieved for all users. Policy SPL3 Part B of Section 2 of the Tendring District Local Plan 2013-2033 and Beyond 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.
- 8.30 The EPOA Parking Standards 2009 require that for dwellings with 2 or more bedrooms, a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garages should have internal dimensions of 7 metres by 3 metres (if being replied upon as a parking space).
- 8.31 As access and layout are reserved for subsequent consideration, precise details are not required at this outline stage. However, the supporting statement explains that the development will deliver a layout and parking provision for each of the dwellings like existing properties. The dwellings will be accessed by a continuation of Amerells Road and proposes to include a new turning area.
- 8.32 Essex County Council as the Highway Authority has been consulted on the application and raise no objections subject to several conditions. As all matters are reserved and this application is not considering the full details of the development, the recommended highway conditions will be imposed where necessary and reasonable, or added as informatives to provide as a guide to the detailed design of the development to be submitted with the reserved matters application.
- 8.33 Officers recognise the concerns raised by residents of Amerells Road regarding the narrow width of the road and the obstructive parking and manoeuvring that currently occurs. However, the additional traffic that would result from 2 no. dwellings would not be significant and would not exacerbate existing problems to an extent that would be deemed as materially harmful to highway or pedestrian safety. Moreover, a turning area and on-plot parking for the new dwellings will be provided within the extension to Amerells Road, thus containing the majority of any associate traffic movements within the site area.
- 8.34 While some degree of disruption during construction would be unavoidable, and this may include disruption due to relocation of services, the consequent disturbance can be adequately mitigated by means of a Construction Method Statement, to be secured by condition.

Residential Amenities

- 8.35 Paragraph 135 of the NPPF confirms planning policies and decisions 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 Section 1 of the 2013-33 Local Plan requires

that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

- 8.36 Furthermore, Policy LP4 seeks to ensure that new dwellings are served by a 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. In addition, TDLP Policy SPL3 Part states that all new development must meet practical requirements, including provision for adequate waste storage and recycling facilities.
- 8.37 The application is in outline form with all matters reserved. A full assessment of the impact of the development will be undertaken at the reserved matters stage when fully detailed elevations and floor plans are provided. Nonetheless, officers consider that sufficient space is available on the application site to provide a development of 2 dwellings that could achieve an internal layout and separation distances that would not detract from the amenities of nearby properties or the future occupiers of the proposed dwellings.
- 8.38 Officers will also ensure the reserved matters application provides for the necessary bin store and waste collection for each dwelling in accordance with Policy SPL3.

Trees and Landscaping

- 8.39 Paragraph 136 of the NPPF sets out the importance of trees and the contribution they make to the character and quality of urban environments. It states that planning policies and decisions should ensure that opportunities are taken to incorporate trees in developments and that existing trees are retained wherever possible.
- 8.40 TDLP2 Policy LP4 relates to housing layout and states; to ensure a positive contribution towards the District's 'sense of place', the design and layout of new residential developments will be expected to incorporate and maximise the use of green infrastructure, verges, trees and other vegetation.
- 8.41 Consultation with the Council's Tree and Landscaping Officer has been undertaken, confirming there are no trees or other significant vegetation in the main body of the application site or its boundaries. Concerns have been raised regarding the potential for incremental development of the wider site and the gradual erosion of the countryside. However, any future application would be considered on its merits. An officer recommendation of approval for this scheme for 2 dwellings should not be taken to suggest that further development of the site would be acceptable.
- 8.42 As mentioned above, to the north of the site, adjacent to no. 31 Amerells Road is an area of well vegetated land containing several trees, including a protected mature Oak tree to its frontage (reference: 88/00010/TPO). There is nothing in the application to suggest that the proposed development would result in any impact or harm to the root protection area of the tree. However, at the time of the reserved matters application, when the detailed road layout and turning area are presented, an potential impacts will be re-assessed as necessary.
- 8.43 Section 5.2 of the accompanying Planning Statement describes the planting of a hedgerow and trees on the eastern boundary of the application site. This would help to soften the outer edge of the development and would also establish a clearly defined and appropriately landscaped boundary. As landscaping is a reserved matter, a landscaping scheme, its implementation and maintenance would be assessed and secured as part of the detailed application stage.

Habitats, Protected Species and Biodiversity Enhancement

General duty on all authorities

- 8.44 The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: “For the purposes of this section “the general biodiversity objective” is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England.” Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.
- 8.45 This development is subject to the general duty outlined above. The following features underscore how the proposal positively impacts biodiversity, offsetting requirements necessary for the development to take place.

Habitat and Protected Species

- 8.46 The preamble to Policy PPL4 states that where a development might harm biodiversity an ecological appraisal will be required to be undertaken, and the potential for harm should be considered and addressed in any application. Policy SPL3, Part A criterion d), requires that the design and layout of development maintains or enhances site features, including ecological value.
- 8.47 Consultation has been undertaken with Essex County Council Place Services Ecology (ECC Ecology). Whilst no ecological information has been submitted with the application, ECC Ecology are satisfied that sufficient ecological information is available for determination of this application on the basis that the site entirely consists of arable land bordered by residential areas.
- 8.48 ECC Ecology have assessed the application against relevant sources (including DEFRA Magic Map) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, that the development can be made acceptable.
- 8.49 In this instance, ECC Ecology raise no objection to the development subject to conditions securing the submission and approval of a biodiversity enhancement strategy and a sensitive lighting scheme. The biodiversity enhancement strategy should look to include native planting strategies and insect friendly planting, wildlife-friendly infrastructure i.e. nesting boxes, bee bricks and habitat structures. It is likely bats could be foraging/commuting around perimeter of the site as suitable habitat is observed adjacent to the site. Therefore, if any external lighting is to be proposed, it is advised that is developed to minimise any impacts.

Planning Obligation - Recreational Disturbance

- 8.50 The site falls within the evidenced recreational Zone of Influence (ZOI) and seeks consent for residential development. The LPA have prepared a project level Habitat Regulations Assessment (HRA) to secure a per dwelling tariff for delivery of visitor management measures at the designated sites. This will mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity of the designated Habitats sites in accordance with the Essex Coast Recreational disturbance Avoidance & Mitigation Strategy (RAMS).
- 8.51 A unilateral undertaking is being drafted to secure the financial contribution required to mitigate against any recreational impact from the new dwellings and to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with policies Policy PPL4 of the adopted Local Plan and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Conclusion

- 8.52 Considering the impact of the development and baseline situation on site, subject to the inclusion of the recommended conditions and completed UU, will conserve and enhance biodiversity interests.

Environmental Protection

- 8.53 Consultation with the Council's Environmental Protection Team confirms that the accompanying Construction Method Statement (CMS) is acceptable. No other conditions are recommended.
- 8.54 A condition is included within the officer recommendation to secure compliance with the accompanying CMS during the construction phase of the development in order to mitigate and minimise harm to highway safety and residential amenities.

Flood Risk and Surface Water Flooding

- 8.55 Adopted Local Plan Policy PPL1 (Development and Flood Risk) states that all new development proposals should include appropriate measures to respond to the risk of flooding on and/or off site.
- 8.56 The site is located within Flood Zone 1 and is not at undue risk of flooding. Furthermore, with a site area of less than 1 hectare a site-specific Flood Risk Assessment is not required, nor is consultation with the Environment Agency or Lead Flood Authority a requirement for a development of this scale.
- 8.57 Any surface water flooding or surface water discharge can be managed and mitigated through the detailed design stage of the development, considered fully at the reserved matters stages of the application process.

Foul Sewage Disposal and Drainage

- 8.58 Paragraph 180 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, Paragraph 191 of the Framework states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment.
- 8.59 Adopted Policy PPL5 of Section 2 of the Adopted Local Plan states that all new development must make adequate provision for drainage and sewerage. Connection to the mains is the preferred option having regard to the drainage hierarchy and building regulations requirement.
- 8.60 There is no evidence that the proposal would be at undue risk of pollution from sewage. Building Regulations would ensure compliance with the drainage hierarchy Approved Document H.

Planning Obligation - Open Space and Play Space

- 8.61 Adopted Local Plan Policy DI1 states that all new development should be supported by, and have good access to, all necessary infrastructure. Where a development proposal requires additional infrastructure capacity to be deemed acceptable, mitigation measures must be agreed with the Local Planning Authority. Such measures may include financial contributions towards new or expanded facilities and the maintenance thereof. Contributions should be used towards the delivery of improvements, expansion, or new open spaces and/or sports facilities.
- 8.62 Consultation has been undertaken with the Council's Public Realm Team. Whilst there is adequate formal open space provision to cope with some future development, there is currently a deficit of 2.22 hectares of equipped play in Little Clacton. The Parish Fields at Plough Corner (open space and used for all sports) is the settlement provision being located 0.2 miles from the proposed development. To cope with additional development in the area, the Parish are looking to improve the current facilities at the Parish Fields.

8.63 Paragraph 57 of the NPPF states that, planning obligations must only be sought where they meet all of the following tests as set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (CIL Regs):

- a) necessary to make the development acceptable in planning terms,
- b) directly related to the development; and,
- c) fairly and reasonably related in scale and kind to the development.

8.64 It has not been possible to obtain sufficient evidence from the Parish Council to justify the open space contribution request against the requirements of the CIL Regs. Therefore, no contribution toward open space improvements is being requested by officers in this instance.

Renewable Energy Generation and Energy Efficiency Measures

8.65 The NPPF requires local planning authorities to adopt proactive strategies to mitigate climate change and promote sustainable development. Local Plan Section 1 Policy SP7 requires new development to include measures to promote environmental sustainability including addressing energy and water efficiency. Policy PPL10 requires proposals for new development to consider the potential for a range of renewable energy solutions and for proposals for residential development to deliver measures that will be incorporated into the design, layout and construction aimed at maximising energy efficiency and the use of renewable energy.

8.66 Whilst the application includes details of EV charging provision and brief statement setting out the proposed approach to sustainable construction and energy and water demand reduction to be delivered at the development, to ensure full compliance with these policy aims and maximise the energy efficiencies for the lifetime of the development, in the event that outline planning permission is granted, a condition can be included to secure the submission and approval of a detailed energy efficiency scheme for each dwelling to be submitted concurrently with the reserved matters application.

9. Conclusion

9.1 Although the site is located outside of the defined settlement development, its close relationship with the amenities available within Little Clacton as a Rural Service Centre meet the principles of sustainable development.

9.2 Development at the modest scale proposed would not undermine Little Clacton's role as a Rural Service Centre and there is no clear evidence that it would compromise the Council's strategic approach to housing delivery. Future occupiers would have access to services and facilities, without being excessively reliant on travel by car.

9.3 In addition, the development also meets the criteria for self-build dwellings set out in Policy LP7 and is therefore a suitable site for two self build/custom build dwellings.

9.4 For the reasons set out above, no overriding harm to the character of the area or landscape would result, there would be no significant impact or harm to highway safety, subject to the inclusion of the recommended conditions and completed UU, the development will conserve and enhance biodiversity interests and officers are content that sufficient space is available on the site to provide a development of 2 dwellings that could achieve an internal layout and separation distances that would not detract from the amenities of nearby properties or the future occupiers of the proposed dwellings.

10. Recommendation

10.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives and the prior completion of a section 106 legal agreement with the agreed Heads of Terms, as set out in the table below:

CATEGORY	TERMS
Financial contribution in accordance with the Recreational Avoidance and Mitigation Strategy (RAMS)	Financial contribution of £163.86 x 2 dwellings = £327.72 (index linked) (New tariff effective from 1 st April 2024)

10.2 Conditions and Reasons

1. COMPLIANCE REQUIRED: TIME LIMIT FOR RESERVED MATTERS APPLICATION

CONDITION: Application for approval of all outstanding and the final reserved matters for any phase of the development must be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the final approval of the reserved matters for the relevant phase or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: To comply with the requirements of Section 92 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 reserved matters need to be received by the Local Planning Authority within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If there is no phasing plan, this condition is considered to apply to the whole site as a single phase. 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. APPROVAL OF RESERVED MATTERS

CONDITION: No development shall commence until approval of the details of:-

- the Appearance of the building(s) and place,
- Scale of the building(s),
- Layout of the building(s) and site,
- the means of Access
- Landscaping

(hereinafter called "the reserved matters") for that dwelling and its plot have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To enable the Local Planning Authority to secure an orderly and well-designed development in accordance with the character and appearance of the neighbourhood and in accordance with the Development Plan. This condition is required to be agreed prior to the commencement of any development in accordance with proper planning principles to allow public engagement on the outstanding reserved matters and ensure no significant adverse harm results.

NOTE/S FOR CONDITION:

This condition requires approval of all reserved matters for the specific dwelling and its plot as may be listed to agreed in writing prior to any commencement of the approved development. Failure to comply with this condition may result in the permission becoming lapsed and unable to be carried out.

The reserved matters that may be listed above are further defined under government guidance as follows:-

APPEARANCE: The aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

SCALE: The height, width and length of each building proposed within the development in relation to its surroundings.

LAYOUT: The way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

ACCESS: The accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

LANDSCAPING: The treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features.

3. COMPLIANCE: APPROVED CONSTRUCTION MANAGEMENT

CONDITION: The development hereby permitted shall be carried out in accordance with the accompanying approved Construction Method Statement, unless otherwise agreed in writing by the local planning authority.

REASON: For the avoidance of doubt and in the interests of proper planning and in the interests of highway safety and residential amenities.

4. FURTHER APPROVAL: SUSTAINABILITY & ENERGY EFFICIENCY

CONDITION: Concurrently with any reserved matters application, full details of the sustainability and energy efficiency measures to be used in the development shall be submitted to and approved in writing by the local planning authority. The design principles set out within the accompanying Water, Energy and Resource Efficiency Measures Statement shall be applied to the detailed design of the development and demonstrated, where necessary, on the plans. The detailed scheme shall include as a minimum:-

- Electric car charging points per dwelling.
- Agreement of a scheme for water conservation including greywater recycling.
- Agreement of heating of each building
- Agreement of scheme for waste reduction
- 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.

5. FURTHER APPROVAL: BIODIVERSITY ENHANCEMENT STRATEGY

CONDITION: Concurrently with any reserved matters application and prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a. Purpose and conservation objectives for the proposed enhancement measures;
- b. detailed designs or product descriptions to achieve stated objectives;
- c. locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d. timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e. persons responsible for implementing the enhancement measures;
- f. details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

6. FURTHER APPROVAL: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

CONDITION: If any external lighting is proposed; Concurrently with any reserved matters and prior to occupation, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

7. COMPLIANCE: TURNING AREA

CONDITION: Concurrently with any reserved matters application, as indicated in the supporting information, details of a size 3 vehicular turning facility (minimum) shall be included within the

development. The approved vehicular turning facility shall be constructed, surfaced and made available for use prior to occupation of the development and maintained free from obstruction within the site at all times for that sole purpose.

REASON: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

8. FURTHER APPROVAL: RESIDENTIAL TRAVEL PACK PRIOR TO OCCUPATION

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.

NOTE FOR CONDITION: Please contact the Travel Plan Team at ECC Highways via email to Travel.PlanTeam@essex.gov.uk to obtain a Residential Travel Information Pack template and the associated day travel vouchers required.

10.3 Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informatives

1. 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. It is noted that part of Amerells Road outside nos. 31 and 34 is classified as a Private Road, the applicant should therefore be requested to demonstrate the rights of pass and repass to the proposed development site exist in perpetuity and that the applicant also has the necessary permissions to make a vehicular connection to Amerells Road.
3. The detailed proposals for the development should include:
 - a) A straight section of carriageway to be provided from the entrance junction for a minimum distance of 6 metres.
 - b) Combined pedestrian and vehicular surface width of 6 metres.
 - c) No unbound material shall be used in the surface treatment of the private driveway throughout.
 - d) There shall be no discharge of surface water onto the Highway.
 - e) Each private vehicular access shall be constructed at right angles to the carriageway. The width of the access at its junction with the highway shall not be less than 3.6 metres

(equivalent to 4 drop kerbs), shall be retained at that width for a minimum distance of 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing.

- f) The repair and/or resurfacing of the private road including the reconstruction of the kerbing on the south side between nos. 31 -34 to be agreed with the Local Planning Authority.
 - g) Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.
 - h) For those dwellings without a garage, a cycle / powered two-wheeler parking shall be provided in accordance with the EPOA Parking Standards.
4. 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.
 5. 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.

11. Additional Considerations

Equality Impact Assessment

- 11.1 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.
- 11.2 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.
- 11.3 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.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	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.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Human Rights

- 11.4 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.
- 11.5 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).
- 11.6 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

- 11.7 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.
- 11.8 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.

12. Background Papers

- 12.1 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/>.