

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		ER	13/06/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		ML	20/06/2024
Assistant Planner final checks and despatch:		JJ	20/06/2024

**Application:** 24/00653/FULHH **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Ms Colette De Boer

**Address:** Broughton First Avenue Frinton On Sea

**Development:** Householder Planning Application - Proposed new 1.5 storey outbuilding to accommodate a double garage, gym and guest sleeping accommodation, a covered link to the host dwelling, infill of garage door with window and render and re-location of existing access.

### 1. Town / Parish Council

FRINTON AND WALTON TOWN COUNCIL Recommend approval

### 2. Consultation Responses

Essex County Council Heritage  
22.05.2024 The application is for a proposed new 1.5 storey outbuilding to accommodate a double garage, gym and guest sleeping accommodation, a covered link to the host dwelling and re-location of existing access.

The property is located in a Conservation Area.

There is no objection to this application with exception of proposed windows and doors which I recommend are timber instead of UPVC to be more appropriate to the Conservation Area. Should this be addressed, I have no objection.

I recommend conditions are attached to any permission pertaining to:

- Detailed design of all new windows and doors;
- Samples/details of all external materials;
- A detailed landscaping scheme; and
- A detailed design for alterations to the front boundary wall.

It should be noted that the conversion of the existing garage does not appear to have been included in the previous application and it's not specified in this proposal. As such a new application might be needed for this element.

ECC Highways Dept  
10.06.2024

Please find consultation response below for application 24/00146/FULHH, from the Highway Authority.

Should you require any clarification or further information please contact me.

Application No. 24/00653/FULHH  
Proposal. Proposed new 1.5 storey outbuilding to accommodate a double garage, gym and guest sleeping accommodation, a covered link to the host dwelling, infill of garage door with window and render and re-location of existing access  
Address. Broughton First Avenue Frinton On Sea Essex CO13 9EY

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 and google earth image.

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

1. The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres, shall be retained at that width for 5 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. No unbound material shall be used in the surface treatment of the vehicular access within 5 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. The existing access shown on Drawing no. AN002 Rev B shall be suitably and permanently closed incorporating the reinstatement to full height of the footway, kerbing and verge immediately the proposed new access is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as 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](mailto:development.management@essexhighways.org)

### 3. Planning History

TPC/3/85	Works to trees	Current	27.02.1985
TPC/3/88	Works to trees	Current	03.05.1988
TPC/93/53	Willow	Current	23.12.1993
TPC/96/50	Remove 3 trees	Current	03.10.1996
02/00080/TCA	Fell two Macrocarpa trees which are dead and trim the dead wood from other Macrocarpa trees in rear garden	Approved	28.02.2002
05/00405/TCA	Reduce crown of Willow tree by 40% - 50%	Approved	13.04.2005
05/00951/TCA	Reduce flowering Cherry Tree by 35%	Approved	06.07.2005
06/00817/TCA	Willow Tree - front garden - remove new growth back to previous cutting points	Approved	08.06.2006
07/01111/TCA	1 No. Willow - removal of new growth	Approved	06.08.2007
09/00840/TCA	1 No. Willow - pollard back to previous cutting points	Approved	10.09.2009
14/01138/TCA	Willow - reduce back crown to areas of previous cutting points.	Approved	11.09.2014
19/01730/TCA	Fell 20 Macrocarpa trees. Cut back Blackthorn, Cherry Plum and 3 Oak trees.	Approved	11.12.2019
21/01753/FULHH	Proposed ground floor infill extension and first floor side extension.	Refused	07.02.2022
23/01566/TCA	To fell and remove 2 macrocarpa trees.	Approved	04.12.2023
24/00653/FULHH	Householder Planning Application - Proposed new 1.5 storey outbuilding to accommodate a double garage, gym and guest sleeping accommodation, a covered link to the host dwelling, infill of garage door with window and render and re-location of existing access.	Current	

24/00766/NMA Non Material Amendment to Current  
21/01753/FULHH allowed at appeal  
APP/P1560/D/22/3297241 - minor  
internal changes, garage door changed  
to window, window (FF) omitted from  
side elevation, new pitched roof canopy  
added over door (side elevation), rear  
elevation bifold changed to three pane,  
single glazed door (rear elevation)  
changed to clear glass (no bars), large  
window (rear elevation) changed to clear  
glass (no bars), and first floor window  
(rear elevation) changed to doors and  
Juliette balcony.

#### **4. 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 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.

#### **5. 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>

There are no neighbourhood plans in place for this location.

#### **6. Relevant Policies / Government Guidance**

##### **NATIONAL:**

National Planning Policy Framework 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  
SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022):

SPL1 Managing Growth  
SPL3 Sustainable Design  
LP3 Housing Density and Standards  
LP4 Housing Layout  
PPL8 Conservation Areas  
CP1 Sustainable Transport and Accessibility

## CP2 Improving the Transport Network

Supplementary Planning Guidance:  
Essex Design Guide

Local Planning Guidance:  
Essex County Council Car Parking Standards - Design and Good Practice

### **7. Officer Appraisal (including Site Description and Proposal)**

#### Application Site

This application relates to Broughton which is a two-storey dwelling situated to the western side of First Avenue. The application is located within the settlement boundary and located within the Frinton and Walton Conservation Area.

#### Proposal

This application seeks planning permission for a 1.5 storey outbuilding to accommodate a double garage, gym and guest sleeping accommodation, a covered link to the host dwelling, infill of garage door with window and render and re-location of existing access.

#### Assessment

##### Visual Impact

Paragraph 135 of the NPPF (2023) 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. Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context, and to protect the district's landscape and the quality of existing places and their environs.

The proposed outbuilding will be a two-storey structure which will provide parking and a gym at ground level and a separate living space/ accommodation at first floor level which will be accessed via an external staircase. The new outbuilding will be located to the side of the host dwelling and will incorporate a cat slide dormer window and link/ canopy feature to connect to the main house.

The building will be set back from the front boundary and lower in height to the main house which will reduce its impact and allow it to appear as a subservient addition. The new building will link to the main house and incorporate design features such as similar use of materials and sized/ style of openings.

The site benefits from a large plot size with the house being the central focus. The proposal will be situated to the side of the main house allowing for suitable space to be retained between the new building and the boundary of the site to prevent a cramped appearance as well as allowing the house to remain as the focal point when viewing the site.

This building will be used in an ancillary manner to the main house and provide additional accommodation for family members. In order to prevent this outbuilding from being used as a separate dwelling a condition will be imposed upon the permission ensuring it is maintained as ancillary to the host house.

The infill of the existing garage door with render and window is a minor change to the house which is of a design that is suitable to the property and will be finished in materials which are consistent with the host dwelling.

The relocation of the existing access will allow for better vehicle movement accessing the site and is considered a minor improvement which would not result in a harmful impact to the visual amenity of the house or locale.

The proposal is therefore considered a suitable change to the site which would not diminish the character/ appearance of the host dwelling or street scene.

### Impact to Trees

It is observed that in the front garden of the property there is a large Weeping Willow and there are established trees situated within the highway verge. These trees will not be affected by the proposed development or the alterations to the vehicular access from the highway.

The northern boundary is demarcated by an established hedge comprising of primarily Hawthorn that currently provides a good level of screening. The hedge is unlikely to be adversely affected by the proposed development and its retention will provide a good level of screening for the proposed building.

To the rear (west) of the proposed outbuilding there is a large Monterey Cypress which features prominently in its setting. An inspection of the tree reveals that it is sparsely foliated and in poor condition. The separation distance between the position of the proposed outbuilding and the tree is such that harm will not be caused to the roots of the tree.

The Council's Tree and Landscaping Officer has been consulted as part of the application and has confirmed that the garden is well planted with small trees and shrubs, which will not be affected by the development.

### Heritage Impact

Paragraph 203 requests that when determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

Policy PPL8 of the Tendring District Local Plan 2013-2033 seeks to ensure that any new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area.

The site is located within the Frinton-on-Sea Conservation Area, however, the property has not been awarded special mention within the conservation area appraisal.

The proposed new outbuilding to the side and its link to the main house will be a noticeable change to the existing appearance of the house within First Avenue. These alterations will be set back from the front boundary of the site which assists in reducing their prominence and visual impact upon the conservation area setting. The design of the new additions will incorporate matching features to the existing house, such as similar materials and openings, to ensure that it would appear in keeping with the host dwelling and further reduce its impact upon the protected area.

The infill of the existing garage door with render and window as well as the relocation of the vehicular access are minor alterations to the house and site which are in keeping with features on the existing house and are considered not to appear as prominent or intrusive features to the conservation area.

The ECC Heritage Team have been consulted and have provided no objections to the scheme, however, have provided further information of the following:

Suggested Condition - Detailed design of all new windows and doors;

*Officer Response - This information has not been provided as part of the application and in order for the proposal to be consistent with elements of the existing house within this protected area this condition is considered relevant and will be applied to the permission.*

Suggested Condition - Samples/details of all external materials;

*Officer Response - The proposed materials have been listed on the proposed plans and will match the existing house. This condition is not considered necessary.*

Suggested Condition - A detailed landscaping scheme;

*Officer Response – The planting around the site acts as a important feature to the site and aids in reducing the impact of the proposal. This condition is therefore considered necessary.*

Suggested Condition - A detailed design for alterations to the front boundary wall.

*Officer Response - The site benefits from a front boundary wall which forms a noticeable and characteristic feature to the site and conservation area. As part of this wall will be reconstructed due to the closure of the existing access this condition will require details of the design of the wall to ensure it will be in keeping with the existing feature and adhere to the character/ appearance of the conservation area.*

Heritage Note - It should be noted that the conversion of the existing garage does not appear to have been included in the previous application and it's not specified in this proposal. As such a new application might be needed for this element.

*Officer Response - Since the time of the initial consult the case officer has amended the proposal description to include the garage conversion works. Whilst the garage conversion does not require planning permission the use of render and UPVC within a conservation area which will infill the existing garage door does and has been added to the description.*

The proposal is therefore considered a suitable change to the site which would not result in a significantly harmful impact to the appearance/ character of the conservation area.

#### Highway Safety

Paragraph 114 of the National Planning Policy Framework 2023 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 104 requires that streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate, and the design and layout of the development provides safe and convenient access for people.

The Essex County Council Parking Standards states that where a house comprises of two or more bedrooms that 2no parking spaces should be retained which measure 5.5m by 2.9m per space. They also state that new garages should have an internal measurement of 7m by 3m.

The proposed garage will measure below these requirements; however, the house is set back from the front boundary allowing for a large driveway to the front which is of a suitable size to accommodate the off-street parking for at least two vehicles in line with the above standards.

The proposal includes the relocation of the existing vehicular access to allow a better flow of vehicle movement to the new outbuilding. This will be a minor improvement to the site and ECC Highways have been consulted and have provided no objections subject to conditions below:

Suggested condition 1 - The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres, shall be retained at that width for 5 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

*Officer response - The plans provided adequately show the size and positioning of the proposal in accordance with this condition. As the planning permission will contain a condition which restricts*

*the development to the plans provided, the condition is not necessary and will not be placed upon the permission.*

Suggested condition 2 - No unbound material shall be used in the surface treatment of the vehicular access within 5 metres of the highway boundary.

*Officer Response - The existing front of the site comprises of a mixture of lawn areas and hardstanding and the surrounding houses benefit from hardstanding driveways. It is therefore considered that the condition is relevant and will be placed upon the permission to reduce debris being brought onto the main highway.*

Suggested Condition 3 - The existing access shown on Drawing no. AN002 Rev B shall be suitably and permanently closed incorporating the reinstatement to full height of the footway, kerbing and verge immediately the proposed new access is brought into first beneficial use.

*Officer Response - This condition will remove the existing access feature which is no longer necessary and will therefore be applied to the planning permission.*

The proposal is therefore considered not to result in a harmful impact in terms of highway safety.

### Impact to Neighbours

Paragraph 135 of the National Planning Policy Framework (2023) 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 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.

The proposal will be sited a sufficient distance away from the shared boundaries and would be screened by existing boundary planting, thereby preventing it from resulting in a significant loss of amenities to neighbouring sites.

### Habitats, Protected Species and Biodiversity Enhancement

#### **Ecology and Biodiversity**

##### **General duty on all authorities**

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.

This development is subject to the general duty outlined above. An informative has been imposed strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Therefore, the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

##### **Biodiversity net gain**



Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Development Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sqm. of habitat, or 5m of linear habitats such as hedgerow). This proposal is not therefore applicable for Biodiversity Net Gain.

### **Protected Species**

In accordance with Natural England's standing advice the proposed development site and surrounding habitat have been assessed for potential impacts on protected species. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

### **Conclusion**

In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

### Other Considerations

Frinton and Walton Town Council recommend approval.

There have been no letters of representation received.

### Conclusion

The proposal is therefore considered to be compliant with national and local policy as assessed in the above report. In the absence of material harm resulting from the proposed development the application is recommended for approval.

## **8. Recommendation**

Approval - Full

## **9. 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.

AN002 B  
AN003 B  
AN004 B  
AN001 A  
AN005 - Design and Heritage Statement

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 SPECIFIC RESTRICTION ON DEVELOPMENT: OCCUPATION

CONDITION: This permission shall only authorise the use and occupation of the accommodation hereby approved for purposes incidental and ancillary to the principal dwelling known as Broughton, First Avenue, Frinton On Sea, Essex, CO13 9EY (or as may be renamed in the future) and does not permit the use of the approved accommodation as a separate household unrelated and not incidental/ancillary to the principal dwelling.

REASON: The proposed annexe would not be acceptable under the established policies of Local Plan and NPPF by representing a net increase in dwelling units were the development to be occupied as an unrelated dwelling and not considered as one household. Furthermore, having regard to its particular relationship with the principal dwelling, there is potential for noise, activity and disturbance detrimental to the amenity of that principal dwelling were the development to be occupied as an unrelated dwelling.

NOTE/S FOR CONDITION

Unless otherwise stated, this condition applies to the site outlined in red and to all new development that forms any net increase in residential accommodation and may include change of use of buildings, change of use of land for the siting of caravans or similar, new buildings and extensions.

4. APPROVAL REQUIRED: LANDSCAPING SCHEME

CONDITION: No development above slab level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard, soft and boundary treatment landscaping works for the site, which shall include any proposed changes in ground levels.

REASON: In the interests of visual amenity and the character and appearance of the area.

NOTE/S FOR CONDITION:

Slab level is 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 visually above ground level or seek confirmation from the Local Planning Authority for your development.

Should the landscape works include any new hedgerow, please consider the following planting for a native hedge. Native hedge: 50% hawthorn, 25% blackthorn (but beware – this can spread into adjacent fields), 15% field maple, 2% holly, 2% wild privet, 2% guelder rose, 2% dog rose, 2% buckthorn.

5. COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED - LANDSCAPING SCHEME

CONDITION: All changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development, or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

6 FURTHER APPROVAL: HERITAGE

CONDITION: Prior to any work to the windows, detailed elevation and section drawings of windows (including sections through head, jamb - including construction details of surrounding fabric - stile, mullion, transom, meeting rail, glazing bar, bottom rail, sill or leaded glazing, at 1:2 or 1:10 as appropriate, to be submitted and agreed, in writing, to the Local Planning Authority for approval. The details shall be carried out in full and as may be approved.

REASON: In the interests of protecting and reducing harm to the designated heritage asset.

7 FURTHER APPROVAL: HERITAGE

CONDITION: Prior to removal or alteration of the boundary wall in the approved plans, detailed annotated drawings or photographs to show extent of removal or alteration and any means to make good any remaining part, to be submitted and agreed, in writing, to the Local Planning Authority for approval. The details/removal shall be carried out in full and as may be approved.

REASON: In the interests of protecting and reducing harm to the designated heritage asset.

## 8 ACCESS MATERIAL

CONDITION: The access/s hereby approved shall have a bound material surface and shall be laid out for a minimum distance of 5 metres from the edge of the carriageway prior to first use. The bound material as implemented shall then be retained thereafter.

REASON: In the interests of highway safety to prevent hazards caused by loose materials on the highway.

### NOTE/S FOR CONDITION:

Carriageway is the part of a road intended for vehicles rather than pedestrians normally define by kerb if available or edge of a bound surface. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

## 9 ACTION REQUIRED: EXISTING ACCESS

CONDITION: Prior to the Installation of the new access the existing access shown on Drawing no. AN002 Rev B shall be suitably and permanently closed incorporating the reinstatement to full height of the footway, kerbing and verge immediately before the proposed new access is brought into first beneficial use.

REASON: In the interests of highway safety to ensure that the access is properly designed, constructed and made available for use. If agreement was sought at any later stage there is an unacceptable risk to highway and public safety.

### NOTE/S FOR CONDITION:

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

## 10. 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.

### Ecology Informative

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include: <https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

## 11. 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.	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