

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		OA	11.07.24
EIA Development - Notify Planning Casework Unit of Decision:	YES / NO		
Team Leader authorisation / sign off:		JJJ	11/07/2024
Assistant Planner final checks and despatch:		ER	11/07/2024

**Application:** 24/00585/FUL **Town / Parish:** Elmstead Market Parish Council

**Applicant:** Mr Lucas Carroll

**Address:** Pandora Bromley Road Elmstead

**Development:** Planning Application - conversion of existing outbuilding to residential dwelling including installation of roof lights, cladding and fenestration changes.

### 1. Town / Parish Council

Elmstead Parish Council No comments

### 2. Consultation Responses

ECC Highways Dept  
03.07.2024

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 mitigation and conditions:

1. Prior to occupation of the new dwelling, the access at its centre line shall be provided with a clear to ground visibility splay as indicated on drawing no. 92827 - 01 - 201H. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway 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 6 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.

3. Prior to occupation of the dwelling, the vehicular access shall be widened 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 5.5 metres, shall be retained at that

width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing.

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.

4. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council.

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

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and the National Planning Policy Framework.

Informative:

i. There shall be no discharge of surface water onto the Highway

ii. 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)

Environmental Protection  
15.05.2024

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

Construction Activities: In order to minimise potential nuisance caused by demolition/construction works, Environmental Protection recommend that the following hours and actions be adhered to, should the application be approved;

- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

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

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation

(Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

REASON: to protect the amenity of nearby residential premises

Lighting: Any proposed lighting of the development must ensure relevant measures are taken to ensure that any lighting of the development will be located, designed and directed or screened so that it does not cause avoidable intrusion to adjacent residential properties/ constitute a traffic hazard/cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Engineers.

REASON: In the interest of protecting residential amenity.

Essex County Council  
Ecology

Tree & Landscape Officer  
14.05.2024

No Comments

There are no trees or other significant vegetation on the application site that will be adversely affected by the proposed development.

Considering the existing site layout there is little scope for, or public benefit to be gained, by securing new soft landscaping associated with the proposed conversion of an existing building.

### 3. Planning History

07/00195/FUL      New pitched roof to existing garage.      Approved      03.04.2007

24/00585/FUL      Planning Application - conversion of existing outbuilding to residential dwelling including installation of roof lights, cladding and fenestration changes.      Current

### 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.

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 19<sup>th</sup> 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.

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>)

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.

## 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>

Elmstead Market Parish Council submitted an area application to the District Council to begin their Neighbourhood Plan (ENP) in late 2020. The Area application indicated that the Parish Council intended to designate the entire Parish as their Neighbourhood Plan Area.

The designation of Neighbourhood Plan Areas (the first stage in preparing a Neighbourhood Development Plan) was until quite recently a decision that only the Planning Policy and Local Plan Committee could make. However, at Cabinet meeting in July 2020 a report was agreed that allows the Corporate Director for Economy and Place, with the endorsement of the Leader of the Council, to make such decisions.

In summary, without prejudice, the weight that should be applied to Neighbourhood Plans can be understood as follows:

- Stage 1: Designated neighbourhood area (Limited Weight)
- Stage 2: Preparing a draft neighbourhood plan (Limited Weight)
- Stage 3: Pre-submission publicity and consultation (Limited Weight)
- Stage 4: Submission of a neighbourhood plan (Limited Weight)
- Stage 5: Independent Examination (Limited/Significant Weight)
- Stage 6: Referendum (Significant Weight)
- Stage 7: Adoption by LPA (Full Weight)

Elmstead Market Parish Council has been working to develop the Neighbourhood Plan which will contain specific policies and proposals for the Elmstead Market area against which planning applications will be judged; alongside district and national policies.

As of the end of September 2023, the draft Elmstead Neighbourhood Plan underwent a six-week public consultation. The feedback received during this period will be compiled and submitted alongside the draft plan to an impartial Planning Inspector for a comprehensive review. Subsequently, a local referendum will be conducted. Following these steps, it is expected that the plan will be presented for adoption by Tendring District Council (TDC).

In accordance with the above 'stages' scale the draft Elmstead NP can be afforded limited weight in the decision making process, but with consideration that this shall continue to gain weight and may also be adopted at the point of decision if resolved to be approved and shall have gained full weight. It is therefore mindful that there will be conflict with the Elmstead NP if this proposal is approved, not least with the NP's own settlement development boundary policy that is similar to the conflict the proposal has with the Local Plan.

The following draft Elmstead NP policies are relevant:

[Draft Policy Idea 1. Settlement Development Boundary](#)

Draft Policy Idea 5. Design Codes

[Draft Policy Idea 9. Movement, Connectivity and Traffic](#)

[Draft Policy Idea 12. Nature Recovery](#)

Draft Policy Idea 13. Health and Wellbeing Service Provision

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

### **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

LP1 Housing Supply

LP2 Housing Layout

LP8 Backland Residential Development

HP5 Open Space, Sports and Recreation Facilities

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

### 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

Biodiversity Net Gain Supplementary Planning Document June 2023 (DRAFT)

### Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

The following draft Elmstead NP policies are relevant:

[Draft Policy Idea 1. Settlement Development Boundary](#)

Draft Policy Idea 5. Design Codes  
[Draft Policy Idea 9. Movement, Connectivity and Traffic](#)  
[Draft Policy Idea 12. Nature Recovery](#)  
Draft Policy Idea 13. Health and Wellbeing Service Provision

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

### Site Description

The site is situated on the southern side of Bromley Road, Elmstead Market with a private access road located immediately to the east. The site is surrounded by residential development to the east, south and west. The development is located within the settlement development boundary of Elmstead Market.

### Planning History

There is no relevant planning history for the site.

### Proposal

The application seeks planning permission for the conversion of existing outbuilding to residential dwelling including installation of roof lights, cladding and fenestration changes. It includes parking spaces for two vehicles at the front of the proposed dwelling.

### Assessment

The Main Considerations for this application are:

- Principle of Development
- Design and Appearance
- Impact upon Neighbouring Amenities
- Highways Impacts

### Principle of Development

Planning law requires that decisions on planning 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). The development plan for Tendring Council comprises of the adopted Tendring District Local Plan 2013-2033 and Beyond Sections 1 and 2.

Policy SP3 of Section 1 of the 2013-2033 Local Plan sets out the spatial strategy for North Essex and directs growth towards existing settlements. The site is located within the Settlement Development Boundary of Elmstead Market as defined within the adopted plan. The proposed development which includes the conversion of an existing outbuilding to the rear of a residential property, to residential, is therefore acceptable in principle, subject to other relevant national and local policies in this plan (covered below).

### Design, Appearance and Layout

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. (Para 131 NPPF).

Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and

distinctiveness. The development should relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials and should respect or enhance local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features.

In terms of the proposed design, the development uses an existing building with external changes to include brickwork and dark/grey timber cladding which would not look out of place in this location. The roof is proposed to be constructed with tiles to match the existing and aluminium windows, doors and rooflights. New windows will be inserted on the existing front and rear elevations with rooflights on the side elevation.

Although the proposal is for the conversion of an existing building, it is clearly to create a new dwelling to the rear of an existing property. Therefore, Policy LP8 refers to Backland Residential Development with the proposals required to meet the following criteria:

*a. where the development would involve the net loss of private amenity space serving an existing dwelling, that dwelling must be left with a sufficient area of private amenity space having regard to the standards in this Local Plan;*

The proposals allow for a sufficient rear private amenity space for both the host dwelling (Approx 170sqm) and proposed new dwelling (Approx 138sqm) which is proportionate to the size of both plots, the proposals comply.

*b. a safe and convenient means of vehicular and pedestrian access/egress must be provided that does not cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Long or narrow driveways will not be permitted;*

The proposals utilise an existing driveway with sufficient parking for two vehicles and turning space. Essex County Council Highways have not objected on this basis – also see relevant highways section further below. The proposals comply.

*c. the proposal must avoid “tandem” development using a shared access;*

The proposals do use a shared access, but the driveway is existing and is not proposing to be altered or amended. Sufficient space has been provided on site to ensure that vehicles will not obstruct each other when parked on the driveway and ECC Highways raise no objection.

*d. the site must not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution;*

The proposal utilises an existing building and will create a suitable shaped plot with no realistic prospect of future development to the rear of the site in terms of further comprehensive development, the proposals comply.

*e. the site must not be on the edge of defined settlements where likely to produce a hard urban edge or other form of development out of character in its particular setting; and f. the proposal must not be out of character with the area or set a harmful precedent for other similar forms of development.*

The proposals falls within the Settlement development boundary for Elmstead. The proposals comply.

In summary, the proposals enhance an existing building and provide a contemporary design which will not detract from the character of the area and is in accordance with both the NPPF and Policy SP7 and LP8 of the Tendring Local Plan.

### Trees and Landscaping

Policy SPL3 seeks new development that respects or enhances local landscape character, views,

skylines, landmarks, existing street patterns, open spaces and other locally important features. The design and layout of the proposed development should maintain or enhance important existing site features of landscape, ecological, heritage or amenity value.

The Council's Tree and Landscape Officer has been consulted and does not object to the proposals stating that there are no trees or other significant vegetation on the application site that will be adversely affected by the proposed development.

Considering the existing site layout there is little scope for, or public benefit to be gained, by securing new soft landscaping associated with the proposed conversion of an existing building.

The proposals therefore comply with the NPPF and Policy SPL3 of the Tendring Local Plan.

### Impact on Residential Amenity

In March 2015, the government launched a new approach to housing standards and published a new set of streamlined national technical standards. This included publication of technical housing standards – nationally described space standards (2015) which sets out minimum gross internal floor space, bedroom sizes and storage requirements for new dwellings.

All new dwellings must therefore accord with the technical housing standards. A two-person one bedroom single storey dwelling requires a minimum of 39sqm of Gross Internal Floorspace (GIA). From the plans submitted the proposed dwelling exceeds the requirements of the space standards. It is also considered that the internal layout is appropriate, with all habitable rooms having adequate natural light. The private amenity areas proposed are considered to meet the needs and expectations of future residents and is commensurate to the size of the dwelling.

The proposal includes roof lights in the side elevation which will serve a kitchen and bathroom, given that the proposed dwelling is single storey and the neighbouring dwellings to the east as of the same scale, the proposals are not considered to impact on neighbouring amenity and will secure a good standard of amenity and accommodation for future occupants of the proposed dwellings.

The NPPF Paragraph 135 maintains that policies and decisions should result in new development that creates 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 SPL3 seeks new development that is designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents, provision is made for adequate private amenity space, waste storage and recycling facilities and the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

A new bedroom will be located to the front of the building to be converted, fairly close to the rear elevation of the dwelling to the front, there are some concerns in respect of potential overlooking however a bin and bike store is located in between and this will alleviate any potential for harmful overlooking to occur between units. In all other regards, rooms are serviced with adequate lighting and the proposals are therefore considered to be in accordance with both the NPPF and Policy SPL3 of the Local Plan.

### Highways and Parking Considerations

Paragraph 114 of the Framework seeks to ensure that safe and suitable access to a development site can be achieved for all users. Policy SP7 seeks new development to include parking facilities that are well integrated as part of the overall design. The sentiments of this policy are carried forward within Policies SPL3 and CP1. Furthermore, the Essex County Council Parking Standards 2009 set out the parking requirements for new development.

The Essex County Council Parking Standards 2009 require that dwellings with 1 bedroom be



served by a minimum of 1 parking space. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied upon to provide a parking space, should measure 7 metres by 3 metres internally.

ECC Highways have been consulted on the application and raise no objection with sufficient parking provided for 2 vehicles using the same driveway, and adequate visibility splays proposed to ensure a safe and suitable access. Therefore, whilst the scheme does not propose the subdivision of the plot (merely the creation of another dwelling on the site as indicated), the proposals are considered in accordance with both the NPPF and Policies SPL3 and CP1 of the Tendring Local Plan because no highway safety harm can be identified that could be sustained at appeal in the absence of any ECC Highways objections.

### Water Conservation, Drainage and Sewerage

Paragraph 180 of the NPPF 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 180 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.

Policy PPL5 states that all new development must make adequate provision for drainage and sewerage. Private sewage treatment facilities will not be permitted if there is an accessible public foul sewer, which in this case there is not. Where private sewage treatment facilities are the only practical option for sewage disposal, they will only be permitted where there would be no harm to the environment, having regard to preventing pollution of groundwater and any watercourses and odour. The proposed dwellings will use the mains sewer for foul drainage and therefore complies.

### Habitats, Protected Species and Biodiversity Enhancement

#### Ecology and Biodiversity

This report addresses the distinct legal requirements, ensuring a comprehensive analysis of the ecology and biodiversity impacts of the proposal in line with regulatory standards.

#### 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.

#### 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. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals (excluding Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful 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 sq.m of habitat, or 5m of linear habitats such as hedgerow).

For reason of conversion of an existing building this development is not applicable for Biodiversity Net Gain and is therefore de minimus.

The site falls within the recreational Zone of Influence (ZOI) of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

A Habitat Regulations Assessment has been completed for the proposal. The new development would be likely to increase the number of recreational visitors to the designated area and, in combination with other developments, it is likely that the proposal would have significant effects on the designated site. Prior to any approval, a S106 Legal Agreement/Unilateral Undertaking will be sought to secure the necessary financial contributions for RAMS to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

## Conclusion

In accordance with the overarching duty outlined above, this development is committed to actively contributing to the conservation and enhancement of biodiversity as set out above and within the planning conditions.

## Other Considerations

One letter of observation has been submitted as part of the application with the following points raised:

- Works should not in any way restrict vehicular access to neighbouring properties located along the Broadlands private drive (adjacent to site). This includes domestic and emergency vehicle access.

Officer Response – The road is a private road which falls outside of the application site and is not subject of this application. In addition, the access is not proposed to be used for the development and ECC Highways raise no objection.

## 8. Recommendation

Approval - Full

## 9. Conditions / Reasons for Refusal

### 1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

#### NOTE/S FOR CONDITION:

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

## 2 APPROVED PLANS & DOCUMENTS

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

Site Plan – Received 22.04.2024

Application Form – Received 22.04.24

Broadband Statement – Received 01.05.24

Drawing No. 92827-01-102e

Drawing No. 92827-01-103e

Drawing No. 92827-01-201e

Drawing No. 92827-01-202e

Drawing No. 92827-01-301e

Drawing No. 92827-01-302e

Drawing No. 92827-01-402e

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. FURTHER APPROVAL: MITIGATION TO BE AGREED, RAMS

CONDITION: No works on the hereby approved development shall commenced until detailed proposals addressing the mitigation of the development's impact on protected Essex Habitats Sites have been submitted to and received written approval from the Local

Planning Authority. Such proposals must provide for mitigation in accordance with the joint Habitats Regulations Assessment Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS), or demonstrate mitigation measures of an equivalent effectiveness.

These proposals may require on site or off site mitigation, but in either case must include evidence of the completion of a necessary legal agreement to secure the proposed mitigation and/or contribution towards mitigation. Please note a legal agreement will include legal fees and may require obligations to secure monitoring and associated fees. For any on site mitigation proposals approved, it shall be carried out in full and thereafter shall be maintained as approved.

REASON: In order to safeguard protected wildlife species and their habitats in accordance with the NPPF and Habitats Regulations. Failure to achieve satisfactory mitigation or contribution towards would result in harm by new residents due to the development's impact on protected sites.

#### NOTE/S FOR CONDITION:

This condition establishes the necessity to ensure the implementation of appropriate mitigation measures due to the impact of the approved development. Such mitigation may be required on-site, off-site, or a combination of both. Typically, a contribution towards visitor management measures at the protected Habitats Site(s) is the preferred and simplest approach to fulfil the requirements of this condition. To fulfil this requirement, you can contribute funds towards a range of mitigation projects in the protected areas. It is essential to secure this provision through a legal agreement between the Council, Developer/Applicant, and site owners before commencement. If this is the approach to fulfilling this condition you wish to take, you are strongly advised to finalise the legal agreement with the Council before submitting any request to discharge this condition. Failure to conclude the agreement within the discharge of condition application timeframe may lead to the refusal to discharge the condition.

Please note if there are other obligations needed for this development, for example to secure monitoring and maintenance of a Biodiversity Net Gain Plan you may wish to combine these together as one legal agreement.

#### LEGAL AGREEMENT REQUIRED TO DISCHARGE CONDITION

As per the relevant condition above, this application requires mitigation against recreational impact in accordance with The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and Regulation 63 of the Conservation of Habitat and Species Regulations 2017. To satisfy a RAMS condition and allow a condition to be formally discharged, a completed UU must be submitted with a Discharge of Condition application.

Prior to the submission of the Discharge of Condition application, we can prepare the UU for you (to be reviewed by your solicitor) or we can review a draft UU you have provided (drafted by your solicitor). Both services will incur a charge.

Please see the 'Preparation of a UU' guidance on our website at: <https://www.tendringdc.gov.uk/content/the-s-106-process>.

#### 4. VISIBILITY SPLAYS

CONDITION: Prior to occupation of the new dwelling, the access at its centre line shall be provided with a clear to ground visibility splay as indicated on drawing no. 92827 - 01 - 201H. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety

5. DRIVEWAY MATERIAL

CONDITION: No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety

6. VEHICULAR ACCESS

CONDITION: Prior to occupation of the new dwelling, the vehicular access shall be widened 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 5.5 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing.

REASON: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

7. RENEWABLE ENERGY AND SUSTAINABILITY

CONDITION: No internal conversion works shall commence until a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme such include as a minimum to achieve:

- An electric car charging point for the dwelling
- Agreement of a scheme to achieve as far as possible a water consumption rate of not more than 110 litres, per person, per day for the new dwelling.
- Agreement of heating of the dwelling
- Agreement of scheme for waste reduction

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

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

8. SURFACE AND FOUL WATER DRAINAGE

No internal conversion works shall commence until full details of surface and foul water drainage have been submitted to and approved, in writing, by the Local Planning Authority. No part of the building shall be first occupied or brought into use until the agreed method of surface and foul water drainage has been fully installed and is functionally available for use for that building. The surface and foul water drainage scheme shall thereafter be maintained as approved.

REASON: To safeguard the ground water environment from harm and minimise the risk of flooding.

NOTE/S FOR CONDITION:

This condition is imposed to ensure the potential impact on a sensitive area is considered and harm avoided that may be detrimental to amenity and the environment.

Slab level is normally referring 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.

## 9. PERMITTED DEVELOPMENT RIGHTS

CONDITION: Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of Schedule 2 Part 1 Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no extensions, additions, outbuildings, porches or other alterations to the dwelling hereby approved shall be carried out except in complete accordance with details which shall previously have been approved, in writing, by the Local Planning Authority following the submission of a planning application for such development.

REASON: To minimise and retain control over the amount of development in this location involving the conversion of an existing building on a sub-divided plot and to maintain sustainable development principles.

## 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.

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>

### Highways

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.

- i. There shall be no discharge of surface water onto the Highway
- ii. 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)

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. 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

**12. Notification of Decision**

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

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