

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		MP	13/08/24
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		ML	13/08/2024
Assistant Planner final checks and despatch:		BB	13/08/2024

Application: 24/00776/FUL **Town / Parish:** Ramsey & Parkeston Parish Council

Applicant: Mr J Macaulay

Address: Poplar Hall Primrose Lane Ramsey

Development: Retrospective change of use of agricultural land to B8 commercial outside storage (including logistic vehicles and trailers), including installation of hardstanding.

1. Town / Parish Council

Ramsey Parish Council No comments received.

2. Consultation Responses

Highways England
14.06.2024 (initial
comments)

Referring to the consultation on a planning application dated 4 June 24 referenced above, in the vicinity of the A120, that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);

Highways Act 1980 Section 175B is/is not relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Annex A National Highway's assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect

of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We are currently reviewing the documentation supporting this planning application and have not yet reached a view if the development proposals will have a material impact on the operation of the Strategic Road Network. Consequently, it is requested that this application is not determined before 26 July 24. If we are in a position to provide a formal response earlier, we will withdraw this recommendation accordingly.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

ECC Highways Dept
17.06.2024

The information that was submitted in association with the application has been fully considered by the Highway Authority. 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. Access to the site will be from the existing vehicular access off Primrose Lane into the farm. Tractors and trailers will still be able to pull clear of the highway when entering the farm preventing any congestion or interruption to the flow of traffic.

Having considered the information submitted with the planning application the Highway Authority has no comments to make on this proposal.

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

Tree & Landscape Officer
27.06.2024

The application site is set to a hard surface and there are no trees or other vegetation in the main body of the land.

The southern and western boundaries of the application site are demarcated by established hedgerows comprising of primarily Hawthorn. The hedges currently provide a good level of screening and enclosure for the site.

In the southwestern corner of the site there are two Lombardy Poplar (*Populus nigra* 'Italica') that are attractive features in their setting.

The retention of the hedgerow will provide a satisfactory level of screening and negate the need for new soft landscaping to be secured to fulfil this function.

The retention of the two Lombardy Poplar is not compromised by the current use of the land or its proposed continuation as set out in the application.

Environmental Protection
21.06.2024

With reference to the above application, I can advise the EP Team have no comments to make.

Should you have any queries concerning this, please do not hesitate to contact me.

Highways England
26.07.2024 (Final set of
comments)

a) offer no objection (see reasons at Annex A)

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We have reviewed the Technical Note prepared by Transport Dynamics, dated July 2024, which was produced in order to address comments made in our last letter of 19 June 2024. Although not addressed in the letter.

Our previous letter recommended a comparison between the new trips and the existing trips. The Technical Note states that the previous use of the site relating to agricultural machinery has ceased. Although a profile for previously existing trips cannot be undertaken, comparative data could be secured from surveys of similar agricultural sites. Paragraph 8 of the Technical Note leads to the interpretation that the trips associated with the HGVs are all to be considered as new.

The case is made that the haulage facility caters for a demand that is not satisfied locally, and therefore the facility will assist in reducing the distances travelled and the alternative routes. It would have been useful if this could be quantified in some way, with information on what other local haulage sites exist, with evidence to suggest that they have reached their practical capacity and the alternative routes involved.

A first principles approach has been taken with regard to trip generation, which sets out that some 24 movements would take place per day, and that this would include a significant proportion outside of peak hours.

We note that visibility splays have been provided in Drawing PCD621/002 which demonstrates that visibility of 215m can be achieved in both directions notwithstanding that there is a curve in the road affecting a central portion of the southern splay.

The Technical Note includes a Personal Injury Accident analysis, and the findings that the collisions are the result of driver error are considered reasonable.

3. Planning History

00/01345/ADV	Fixed timber painted boards supported on timber painted posts	Refused	25.10.2000
00/01346/FUL	Change of use of garden and outbuildings to active outdoor toys display, storage and sale	Refused	25.10.2000
08/00650/FUL	Continued use of former agricultural building for coach storage, cleaning and maintenance.	Approved	30.03.2009
21/00007/FUL	Proposed erection of an agricultural grain store.	Approved	16.04.2021

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>

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

SP3 Spatial Strategy for North Essex
SP7 Place Shaping Principles

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

SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
PP7 Employment Allocations
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL10 Renewable Energy Generation
CP1 Sustainable Transport and Accessibility

Local Planning Guidance:

Essex County Council Car Parking Standards - Design and Good Practice
Essex Design Guide

7. Officer Appraisal

Site Description

The application site is Poplar Hall, which measures 0.65ha and is located on the eastern side of Primrose Lane, within the parish of Ramsey. The site consists of an area of hardstanding and forms part of a wider agricultural holding, with agricultural buildings sited to the north. To the south is the A120.

The character of the area is largely rural; whilst there are scatterings of built form to all sides, beyond the A120 the character is largely dominated by large parcels of agricultural or grassed land.

The site falls outside of a recognised Settlement Development Boundary within the adopted Local Plan 2013-2033 but has no other constraints.

Description of Proposal

This application seeks retrospective planning permission for the change of use of the land from agricultural land to Class B8 (Storage and Distribution), to be used for outside storage purposes, including logistic vehicles and trailers, which also includes retrospective consent for the hardstanding area. The use has been operating since January 2024.

Site History

In April 2021, under reference 21/00007/FUL, planning permission was granted for the erection of an agricultural grain store, located to the southern section of the current application site.

The supporting statement accompanying this current application highlights that during the construction phase of laying the hardstanding area subject of 21/00007/FUL, the site attracted interest from logistics companies, and the site has been used for the following purposes:

1. Temporary Storage for Generators: One company used the area for temporary storage of generators during upgrades to their own site near Tendring village.
2. HGV and Trailer Storage: A second company used the site to keep their HGVs and trailers due to a lack of suitable facilities in or around the Harwich area. A third company, which has since stopped trading, also stored HGVs and trailers here.
3. Parking for Removal Lorry: A fourth company used the site to park a removal lorry used for international removals. This usage ceased when the company moved to a different port.

4. Chiller Trailer Storage: A fifth company stored chiller trailers over winter months due to a seasonal decline in roll-on/roll-off trade through Harwich port.

Assessment

1. Principle of Development

Policy PP7 (Employment Allocations) of the recently Adopted Tendring District Council Local Plan (2022) allocates 32ha of land for new development within use classes B2 (General Industry) and B8 (Storage and Distribution) to support a diversity of employment opportunities. It does, however, add that proposals for new employment-related development on land outside of these allocations will be considered having regard to their potential to support economic growth in the district and the requirements of other policies in this Local Plan.

On this occasion the proposal forms part of an existing wider agricultural holding and would support the economic growth of the district through additional storage provision for related port activities. This indirectly supports economic activities by promoting efficient transport systems that can enhance the operational effectiveness of logistics activities. No employment opportunities would be directly provided as part of the development, however through more efficient systems it could lead to additional opportunities. Therefore, whilst the proposal would not necessarily provide a strong economic boost for the district, there would be a small improvement and therefore at a high principle level, the development is supported, subject to the detailed considerations below.

2. Impact to Character of Area

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. Policy SPL3 and LP4 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 which create a unique sense of place.

The application site is broadly in a rural location, with little development to all sides beyond the site itself. The proposed level of hardstanding and associated storage is not considered to necessarily preserve or enhance the character of the area. However, Poplar Hall does consist of numerous built form to its northern section, and it is noted that planning permission 21/00007/FUL previously allowed a large agricultural building to the southern section of the site. The all-weather surface material used is road plantings, a material traditionally used for agricultural yard surfacing, and it is noted there are other similar development examples approximately 500m and 850m to the south-west along the A120. Given this, as well as the fact the site is well screened with existing vegetation which restricts any views into the site, on balance the harm identified is not considered to be so significant that it would justify a reason for refusal.

3. Impact to Trees

The Council's Tree and Landscape Officer has been consulted, and has provided the following comments:

"The application site is set to a hard surface and there are no trees or other vegetation in the main body of the land.

The southern and western boundaries of the application site are demarcated by established hedgerows comprising of primarily Hawthorn. The hedges currently provide a good level of screening and enclosure for the site.

In the southwestern corner of the site there are two Lombardy Poplar (Populus nigra 'Italica') that are attractive features in their setting.

The retention of the hedgerow will provide a satisfactory level of screening and negate the need for new soft landscaping to be secured to fulfil this function.

The retention of the two Lombardy Poplar is not compromised by the current use of the land or its proposed continuation as set out in the application."

Given the above, there are no objections raised in this regard.

4. 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 108 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.

National Highways have been consulted on the application, and within their initial consultee response they raised a holding objection on the basis that the supporting Transport Statement did not provide evidence or data to verify its claim that the haulage use of the land is not dissimilar in terms of impact than the agricultural machinery storage. In addition, more details relating to the swept path analysis and Personal Injury Accident data for the latest five-year period were requested.

Following these comments, the agent for the application has since provided a technical note that seeks to address the comments raised by National Highways. Upon receipt of this information, National Highways have confirmed they no longer wish to raise any objections.

Separately, Essex Highways Authority have been consulted, but they clarified that they had no comments to make. Moreover, the supporting documents include visibility splay plans along Primrose Lane that show 2.4m x 73m in a southerly direction, and 2.4m x 150m in a southerly direction is achievable. For a country lane such as Primrose Lane, visibility splays should ordinarily be 2.4m x 160m in both directions. However, Officers note that this is an existing access that will have a similar level of vehicular movements as before, and therefore it would not be reasonable to insist on larger visibility splays than are there currently, so a condition to this effect is not proposed to be included.

Essex Parking Standards (2009) state that for a B8 use, there should be parking provision of one space per 150sqm of built form. Officers acknowledge that whilst the site measures 6,117sqm, there are no buildings/built form proposed. There is adequate space throughout the site to allow for the parking of vehicles, however that said the supporting statement highlights that the anticipation is there would be limited parking requirements as the majority of movements will involve vehicles moving on and off site for loading or hitching rather than the need to park and leave a car. Taking the above into consideration, Officers do not wish to raise an objection in this regard.

5. Impact to Neighbouring Amenities

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 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.

The site is located a significant distance apart from any residential properties, and as such whilst the development is likely to generate some noise disturbances, these will not impact upon any existing amenities. No objections are therefore raised in this regard.

6. Drainage

The application site falls below 1ha in size, and there is therefore not a requirement to provide full drainage details, nor consult Essex County Council SuDS. However, following queries raised by Officers in relation to how the drainage would operate with the proposed hardstanding, the agent for the application has confirmed that to support the agricultural yard, a field drainage system was installed under the yard at a depth of approximately 1m approximately 20 years ago. This drainage system discharges into a pipe that runs under the A120 into a neighbouring field drainage system south of the A120. Further, over the past 20 years there has been no evidence that the drainage system has not worked properly, and therefore the provision of the hardstanding, installed at a depth of 0.3m, has not altered or negatively impacted the drainage system. Taking the above into consideration, Officers are content and raise no objections in this regard.

8. Ecology and Biodiversity

Paragraph 186 of the NPPF states that, when making planning decisions local planning authorities need to assess whether significant harm to biodiversity could result from the development. The NPPF goes on to state the hierarchy that should be applied to mitigate any harm to ecology that is identified. Paragraph 180 of the NPPF requires that Local Planning Authorities contribute to and enhance sites of biodiversity or geological value. TDLP Policy PPL4 states that proposals for new development should be supported by appropriate ecological assessments and, where relevant, provide appropriate mitigation and biodiversity enhancements to ensure a net gain.

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.

This development is subject to the general duty outlined above. The proposal is for the change of use of the previously agricultural land into Class B8 (Storage and Distribution); on this occasion it is not considered necessary or reasonable to include a condition to secure soft landscaping details given that the Council's Tree and Landscape Officer feels the site is sufficiently screened, however a condition securing a biodiversity enhancement strategy will be included to secure appropriate additional planting and wildlife friendly features.

Therefore, the development on balance and with consideration of the impact of the development and baseline situation on site, does 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 change of use proposal falls within the threshold impacts in that it does impact a priority habitat of more than 25 sqm of habitat, however as the application is retrospective there is no requirement for this.

Protected Species

In accordance with Natural England's standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species. The proposal includes the change of use of the previously agricultural land into Class B8 (Storage and Distribution), which is not considered likely to be a habitat for 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.

7. Renewable and Energy Conservation Measures

Paragraph 116 of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. However, recent UK Government announcements that ULEV charging points will become mandatory for new development have yet to be published.

Policies PPL10 and SPL3, together, require consideration be given to renewable energy generation and conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy installations.

The application is not supported by details of incorporating renewable energy features. However, on this occasion it is acknowledged that the site has no buildings or built form and is instead open storage. It would therefore not be reasonable or necessary to insist on a renewable energy plan to be submitted at a later stage via a planning condition.

Other Considerations

Ramsey Parish Council have not commented on the application.

There have been two letters of objection received, with the following concerns raised:

1. Impact to highway safety; and
2. Noise disturbances to neighbours.

In response to these points, Officers would comment that both are addressed in detail within the main body of the report above.

Two letters of support have also been received.

Conclusion

The proposal would see the change of use of the land to Class B8 (Storage and Distribution). Such a proposal generates a small level of economic benefits to the district, and therefore there is

support in principle. Furthermore, whilst the works would not necessarily preserve or enhance the character of the area, the site is well screened and there is existing built form on the wider site. Given this, the harm to the character of the area is not considered so great it justifies a refusal reason. There will be no harmful impacts to neighbouring amenities, and following the submission of additional information there are no objections raised by either ECC Highways or National Highways.

Taking the above into consideration, the application is considered to comply with local and national planning policies and is therefore recommended for approval.

8. Recommendation

Approval.

9. Conditions

- 1 **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.

Drawing Numbers 334 - Location Plan, S01, BP01, PCD621/001, PCD621/TR01 (1), PCD621/TR01 (2), PCD621/TR01 (3), and the documents titled 'Planning Statement', 'Transport Statement', and 'Technical Note'.

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.

- 2 **CONDITION:** Goods, products, raw materials, scrap material or other materials of any other sort shall not be deposited, stacked or stored on site (defined by the red line plan of this permission) to a height exceeding five metres outside the confines of any building, except for agricultural crops.

REASON: The external storage of these items over the stated height would be harmful to the local amenity, character and appearance of the area.

NOTE/S FOR CONDITION:

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

2) Buildings do not include any temporary and/or movable structure/building. Storage inside buildings is unaffected by this condition.

- 3 **CONDITION:** 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 and habitats.

- 4 **CONDITION:** Prior to the first use of the hereby approved external lighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The lighting shall be maintained thereafter as maybe approved.

REASON: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety.

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.

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