

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		OA	19.08.2024
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		ML	19/08/2024
Assistant Planner final checks and despatch:		JJ	20/08/2024

Application: 24/00975/FUL **Town / Parish:** Brightlingsea Town Council

Applicant: Mr C Childs

Address: 7 Ladysmith Avenue Brightlingsea Colchester

Development: Planning Application - Change of use of workshop and adjacent annex to single storey one bedroom house, including alterations and first floor extension.

1. Town / Parish Council

Brightlingsea Town Council	This application does not resolve the outstanding issues raised by the Appeal. Also, Brightlingsea Town Council's comments on the earlier application still stand.
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2. Consultation Responses

ECC Highways	No objection on 22/02133/FUL
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3. Planning History

94/00273/FUL	Change of use of property from Doctors Surgery to residential	Approved	26.04.1994
95/01359/FUL	(First Floor Premises to No. 7 Ladysmith Avenue, Brightlingsea) Change of use of the first floor accommodation from surgery premises to residential purposes	Approved	19.12.1995
99/01357/FUL	Retention of fence on top of boundary wall.	Approved	23.12.1999
12/00584/FUL	Conversion of vacant house (previously used as nursery) to four one bedroom flats and associated two storey extension.	Refused	15.08.2012
13/00564/FUL	Change of use of former day nursery to single dwelling house and demolition of former class room.	Approved	16.08.2013
22/02133/FUL	Proposed change of use of workshop and adjacent annex to form a separate 1 No. bed house, comprising of alterations and a first-floor extension.	Refused	28.02.2023

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

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

The adopted Local Plan meets these criteria.

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 July 2024, and demonstrates a 6.26-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>

There are no neighbourhood plans in place for this location.

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 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development
SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3 Spatial Strategy for North Essex
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
LP4 Housing Layout
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL10 Renewable Energy Generation
DI1 Infrastructure Delivery and Impact Mitigation
CP1 Sustainable Transport and Accessibility
HP5 Open Space, Sports & Recreation Facilities

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

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

Site Description

The application site is located on the junction of Ladysmith Avenue and Eastern Road, in Brightlingsea and comprises a brick built detached house, with an attached single storey workshop/annexe extension. The property was originally constructed as a dwellinghouse during the late 19th century and was then used as a doctor's surgery and a children's nursery before reverting to a dwellinghouse, following the granting of planning consent for the change in 2013, under application 13/00564/FUL.

Planning History

Planning permission was refused in February 2023 under reference 22/02133/FUL for the Proposed change of use of workshop and adjacent annex to form a separate 1 No. bed house, comprising of alterations and a first-floor extension. The decision notice outlined three reasons for refusal which were 1) Lack of required floor space and required amenity standards and visual impacts, 2)

Neighbouring amenity harm and 3) Failure to provide a UU for RAMS. This refusal was subsequently appealed under Appeal reference APP/P1560/W/23/3327526.

The Planning Inspectorate dismissed the appeal on the grounds that harmful effects upon the character and appearance of the host property and the surrounding area would result. It was not considered that the development would result in unacceptable living conditions of future occupiers or neighbouring occupiers and RAMS could be resolved through an appropriately worded condition.

Proposal

The application seeks planning permission to change the use of the existing workshop and annexe to form a separate single 1.no bed dwellinghouse and construct a first-floor extension to form additional living accommodation for the new dwelling. Parking for both the existing and proposed dwellings is to the frontage facing Eastern Road and the amenity area to the rear is to be split to form two separate areas. The area is residential in nature and is sited within Flood Zone 1 which has a low risk of flooding. The proposal is an amended scheme to that refused under Planning Permission 22/02133/FUL.

Principle of Development

The site is located within the defined settlement development boundary of Brightlingsea, therefore there is no principal objection to the proposal, subject to the detailed considerations discussed below. Policy SPL2 states that within the defined Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local plan policies.

It is noted that the proposal would result in a loss of an employment site due to the conversion of the workshop, however the workshop forms a relatively small unit and is used ancillary to the residential use of the main dwelling and therefore no objection is raised to the loss of this small-scale workshop space.

Design, Layout, Scale and Appearance

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.

Policy LP4 requires that the design and layout of new residential and mixed-use developments in the Tendring District will be expected to deliver new dwellings that are designed to high standards of architecture, which respect local character and which together with a well-considered site layout, create a unique sense of place.

It is not considered that the existing single storey flat roof side extension to the property forms an overly positive contribution to the streetscene, as the design and materials are somewhat at odds with the traditional brick-built appearance of the main dwelling and the frontage is very much dominated by car parking. However, the proposed design is an improvement from that refused under the previous planning application (22/02133/FUL). The applicant has submitted a Planning Statement which highlights the proposed amendments. They state that the proposals are subservient in roof design to the host dwelling, now proposed as respectful in terms of building materials and details with brick and window design and proportions to deliver a consistent approach and reinforce the distinguished appearance of the host dwelling. The revised design removes the Inspector's described awkward separation whilst reducing the form of the cat slide roof. The Velux window to the cat slide roof has been removed along with the cat slide element being removed and the form incorporated within the larger extension.

It is considered that the proposals are consistent with the existing host dwelling and will not result in overdevelopment of the site and are consistent with both National and Local policy with regards to design and the impact on the character and appearance of the main dwelling and the wider streetscene.

Living Conditions for future/existing occupiers.

Whilst it is acknowledged that a small annexe currently exists on the site, the proposal is for a new dwelling to form a separate unit of accommodation.

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 standard, which sets out minimum standards for gross internal floor space (GIA), bedrooms sizes and storage.

The proposed new dwelling has one bedroom over two floors and would therefore require a GIA of between 50 and 58 sqm, with 1.5sqm of storage. The bedroom should be at least 2.75m wide and a floor area of at least 11.5sqm.

The submitted plans show that the proposed dwelling would exceed these requirements in regard to both GIA and bedroom sizes.

Policy LP4 requires that new residential developments will be expected to provide for private amenity space of a size and configuration that meets the needs and expectations of residents, and which is commensurate to the size of dwelling and the character of the area.

The main dwelling and existing annexe are served by a relatively small area of amenity space, to the rear and side of the main two storey dwelling. This is due to the orientation of the site and the double frontage. The proposal seeks to form a separate unit of accommodation, and it is therefore necessary to split the site into two to provide private amenity space for both the main dwelling and the proposed dwelling.

Although there are two relatively small private amenity spaces proposed, the dwelling is one-bedroomed with limited occupants. On this basis it is considered that the proposal would accord with content within policy LP4 of the Section 2 Plan. This policy states that private amenity space should meet the needs and expectations of residents and be commensurate with the size of the dwelling and the character of the area. It would also comply with the advice of the Framework which seeks to ensure a high standard of amenity for existing and future users.

Impact on Residential Amenities

The NPPF, at paragraph 130 states that development 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 requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

The Planning Inspectorate did not consider that the proposals would result in unacceptable harm to future or neighbouring occupiers in terms of amenity as part of the dismissed appeal. Notwithstanding this, the applicant has proposed amendments to window openings to ensure this. The Velux window to the cat slide roof has been removed along with the cat slide element being removed and the form incorporated within the larger extension. In addition, the side facing first floor window opening has been revised although it remains in the same orientation as the refused. Consequently, and as concluded previously by the planning inspector, there would not be any harmful loss of privacy to the adjacent occupiers.

The small terrace area, as previously proposed, is retained in the same location. Again, the inspector concluded that No 1a's existing roofscape would largely block views from the proposed terrace across its back garden.

It is therefore considered that the proposals are not so harmful as to refuse on grounds of neighbouring amenity and the proposals are consistent with National and Local Policy.

Highway Considerations

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Paragraph 112 states that applications for development should (a) give priority first to pedestrian and cycle movements and (c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter.

Paragraph 130 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. These objectives are supported by Policy SP7.

The site can provide three parking spaces, two for the main dwelling and one for the new proposed dwelling, which is in accordance with the ECC adoptive standards. The access and parking remains as previously proposed (as part of the appeal scheme) and ECC highways had no objections in regards to highway safety.

Legal Obligations - 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.

The application scheme proposes a residential on a site that lies within the Zone of Influence (Zol) being approximately 650 metres from the Colne Estuary RAMSAR and SPA. New housing development within the Zol would be likely to increase the number of recreational visitors to these sites and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation. In accordance with Natural England's advice there is no requirement to consult them due to the specified mitigation.

A planning condition would be placed on any proposed recommendation for approval to ensure compliance with Policy PPL4 of the Adopted Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Renewable Energy

Policy PPL10 addresses renewable energy generation and energy efficiency measures for residential development involving the creation of one or more dwellings. Measures including electric car charging points should be considered. Paragraph 112 e) of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. As such a condition seeking a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development is considered reasonable and necessary and can be secured by way of a condition to any grant of planning permission.

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. This development is subject to the general duty outlined above. To this end, an informative will be attached to the permission strongly encouraging the inclusion of wildlife friendly features.

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 that the proposal involves less than 25sqm of protected habitat being lost, this development is not applicable for Biodiversity Net Gain.

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.

It is considered that the proposal is unlikely to adversely impact upon protected species or habitats by virtue of the limited protected habitat around the vicinity of the site.

Due to the urban location and absence of habitat features upon the application site, it is unlikely that any protected species would be affected by the proposed development. However, in compliance with relevant wildlife legislation and planning policies, the development will adhere to best practices to protect and enhance the habitat for these protected species.

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. In conclusion, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

Conclusion

The application site lies within the Settlement Development Boundary for Brightlingsea and the principle of a separate residential dwelling in this location is therefore acceptable. On balance, given the improved design from that dismissed at appeal, officers consider that the proposals are acceptable having due regard to national and local policy and the application is therefore 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.

- 744-05B – Site and Block Plan - Received 28.06.24
- 744-04C – Proposed Elevations – Received 28.06.24
- 744-03C – Proposed Floor Plans – Received 28.06.24
- Planning Statement – Received 28.06.24

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. ACTION REQUIRED: MITIGATION TO BE AGREED, RAMS

CONDITION: No internal conversion or fit out work shall commence 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 would result in harm by new residents due to the development's impact on protected sites.

NOTE/S FOR CONDITION:

The above mitigation is relevant to the net uplift in dwellings on site only (i.e. one additional dwelling). 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 occupation. 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 agreement.

4. FURTHER APPROVAL: CONSTRUCTION METHODOLOGY

CONDITION: Prior to the commencement of development details of the demolition and construction methodology, including a timetable, shall be submitted to and approved, in writing, by the Local Planning Authority. This shall incorporate the following information:-

- a. Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
- b. Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
- c. Details of how construction and worker traffic and parking shall be managed. This shall include routing of all traffic and any directional signs to be installed and where.
- d. Details of any protection measures for footpaths and trees surrounding the site.
- e. Details of any means of access to the site during construction.
- f. Details of the scheduled timing/phasing of development for the overall construction period.

- g. Details of measures to control the emission of dust and dirt during construction and including details of any wheel washing to be undertaken, management and location it is intended to take place.
- h. Details of the siting of any on site compounds and portaloo's.
- i. Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
- j. Site waste management plan (that shall include reuse and recycling of materials)
- k. Scheme for sustainable construction management to ensure effective water and energy use.
- l. Scheme of review of complaints from neighbours.
- m. Registration and details of a Considerate Constructors Scheme

The said methodology as may be approved shall be implemented in its entirety and shall operate as may be approved at all times during construction.

REASON: To minimise detriment to highway safety, nearby residential amenities and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location directly adjacent to existing residential dwellings and near the school entrance, may result adverse harm on amenity.

5. ACTION REQUIRED: PROVISION OF CYCLE PARKING

CONDITION: Prior to first occupation of each dwelling, details of cycle parking facilities, including where relevant details and materials of any means of enclosure of bicycle shed(s) shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facility shall thereafter be implemented in accordance with the approved details and retained at all times.

REASON: To ensure appropriate powered two-wheeler and bicycle parking is provided.

6. ACTION REQUIRED: REFUSE BINS AND COLLECTION AREAS

CONDITION: Prior to occupation of each dwelling hereby approved details of secure refuse/recycling bins, including where relevant, the means of shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage facilities shall thereafter be implemented in accordance with the approved details and retained in perpetuity thereafter.

REASON: In the interest of highway safety to ensure that refuse recycling bin enclosures are appropriately designed and do not cause any obstruction or danger on the highway.

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.

7. ACTION REQUIRED: RESIDENTIAL TRAVEL PACK PRIOR TO OCCUPATION

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

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

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

8. SUSTAINABLE EFFICIENCY MEASURES

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 shall include:-

- Agreement of a scheme for water conservation including greywater recycling and rainwater capture/re-use
- 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 each dwelling/building
- An electric car charging point scheme
- Agreement of scheme for waste reduction
- Provision of a fibre optic broadband connection to the best possible speed installed on an open access basis and directly accessed from the nearest exchange, incorporating the use of resistant tubing. (If the applicant is unable to achieve this standard of connection and can evidence through consultation that this would not be possible, practical or economically viable an alternative superfast (i.e. will provide speeds greater than 30mbps) wireless service will be considered.)

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

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

NOTES FOR CONDITION:

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

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

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

9. FURTHER APPROVAL: MATERIALS DETAILS

CONDITION: No development/works shall be commenced above slab level until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local

Planning Authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.

REASON: To secure an orderly and well-designed finish sympathetic to the character of the area and in the interests of visual amenity and the quality of the development as insufficient information has been provided with the application.

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.

Highways Informatives

i) 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

ii) In main urban areas with frequent and extensive public transport, cycling and walking links, the EPOA Parking Standards recommend that a reduced parking standard provision may be applied to residential developments. A reduced parking standard provision level can be applied to this proposal as it is located very close to regular public transport services and public car parking facilities.

iii) 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

Biodiversity

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

12. **Notification of Decision**

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