

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		OA	28.08.24
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		JJJ/ML	28/08/2024
Assistant Planner final checks and despatch:		ER	28/08/2024

Application: 24/00998/FUL **Town / Parish:** Clacton Non Parished
Applicant: Nest Contractors Ltd
Address: 21 Granville Road Clacton On Sea Essex
Development: Planning Application - Change of use C2-Care home into C3-Dwelling (Part Retrospective).

1. Town / Parish Council

Clacton Non-parished N/A

2. Consultation Responses

ECC Highways Dept
22.07.2024

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. It is noted that there are several existing residential properties in the vicinity with no off-street parking. The site is located in the centre of the town with close access to public transport facilities and good local amenities. The conversion of the property from care home to residential would not result in a material change in the character of the traffic in the vicinity of the site, considering these factors:

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

1. 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, (to include six one day travel vouchers for use with the relevant local public transport operator)

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

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

3. Planning History

24/00436/FULHH	Householder Planning Application - Approved erection of single storey rear extension.	20.05.2024
24/00690/LUPRO P	Application for Lawful Development Certificate for Proposed Use or Development for loft conversion with rear dormer.	04.07.2024
24/00998/FUL	Planning Application - Change of use C2- Care home into C3-Dwelling (Part Retrospective).	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 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.tendingdc.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:

Tending 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

Tending 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 Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP10 Care, Independent Assisted Living
- PPL1 Development and Flood Risk
- PPL5 Water Conservation, Drainage and Sewerage
- PPL10 Renewable Energy Generation and Energy efficiency Measures
- CP1 Sustainable Transport and Accessibility
- DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

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

[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)

Application Site

The application site comprises of an early 1900s semi-detached building which was converted to a care home from residential accommodation in 1984. The property was then converted back to a residential dwelling in 1995 without express planning permission and the application is part retrospective.

To the north of the site is No. 23 Granville Road, part of a semi-detached pair of dwellings. To the east is Granville Road with No's 10 and 12 Granville Road beyond. To the south is No. 19 Granville Road which forms the other half of the semi-detached properties and has been subdivided into 3 flats. To the west of the site is the rear garden of No. 12 Beaconsfield Road.

Planning History

Planning permission TEN/1180/86 was approved which allowed the continued use of the property for C2 purposes (Residential institutions). To date, no planning permission has been sought to change the use of the property from C2 to C3 (Dwelling-houses).

Proposal

This application seeks planning permission for the conversion of the former care home into a residential dwelling which is part retrospective. The proposal will create a 6-bedroom dwelling.

Assessment

Main Considerations

The following matters are considered the main areas of assessment:

- Principle of development
- Design and Visual Impacts
- Residential Amenity
- Highway Safety
- Drainage and Flood Risk
- Financial Contributions – Open Space and RAMS
- Ecology and Biodiversity Net Gain

Principle of Development

The site is located within the Settlement Development Boundary of Clacton-on-Sea and is classed as a 'Strategic Urban Settlement' under Policy SPL1 of the Tendring Local Plan.

Section 1 of the Tendring District Local Plan 2013-2033 and Beyond sets out a spatial and strategic approach to new development within Tendring District within a broad planning framework whereby SP1 has a presumption in favour of sustainable development that reflects the aims and objectives of the NPPF, whilst Policy SP3 states that existing settlements will be the principle focus for additional growth and that development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role. Policy SP7 amongst other things 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.

Section 2 of the plan sets out specific policies to manage future growth within the district based upon a defined settlement hierarchy as defined within Policy SPL1. Policy SPL3 states that all new development should make a positive contribution to the quality of the local environment and protect local character

The site lies within the settlement development boundary of Clacton-on-Sea. As such, at a high level, the proposed dwelling formed from the conversion of the existing building is considered to be in accordance with Policy SPL3.

Policy LP10 of the TLP refers to Care, Independent and Assisted Living it states that Development that would result in the loss of all, or part, of an existing care home will not be permitted unless the applicants can demonstrate, with evidence, that the site or premises are no longer economically viable. The approach used to demonstrate that the requirement of this policy has been met may vary from site to site and so must be agreed between the Council and the applicant in advance of any planning application being submitted.

The applicant states that the care home was partially converted back into residential in 1995, some 30 years ago. The LPA holds no conclusive information or contrary evidence which cast doubt over this statement. On this basis it is not considered reasonable or necessary to ask for detailed marketing information to justify the loss of a care facility. Taking into account the above, the principle of development which include a change of use of a comparatively small residential care home back to C3 residential, in a predominantly residential area, is considered on balance to be acceptable subject to compliance with other relevant policies in the Local Plan.

Design and Visual impacts

Paragraph 135 of the National Planning Policy Framework (NPPF) 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 Tendring District Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of the Local Plan also require that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout that relates well to its site and surroundings, create a unique sense of place.

Policy LP4 states there should be provision 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 the dwelling.

All the proposed works are internal for the conversion of the existing building to accommodate residential use. As outlined above, the works are part retrospective and considering that there are no proposed external changes this accords with both national and local policy.

Residential Amenity

Paragraph 135 of the NPPF confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users.

Policy SP7 of the Tendring District Local Plan requires that the amenity of existing and future residents is protected. Policy SPL3 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 Governments nationally prescribed space standards state that a three storey 6b8p dwelling should have a minimum GIA of 138sqm with 4.0sqm of storage. The proposed residential unit will have a GIA in excess of the minimum floor space standards and therefore complies.

In terms of the impact upon existing amenity, the development proposals are unlikely to have an adverse impact upon local resident's amenity due to no additional openings or additions being proposed. This ensures that the proposed development would not result in significant harmful impacts on nearby residential occupiers in terms of loss of privacy. In addition, the creation of a residential unit is not considered to result in additional movement over and above a care home and to the extent that a reason for refusal on this basis can be sustained, given the extant use.

Highway Safety

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

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

Essex Highways have been consulted on the application with comments outlined above. No objection has been raised subject to appropriate conditions, which, where deemed NPPF test compliant will be included in the event of an approval. On this basis the proposals are considered to be in accordance with National and Local Policy with regards to Highways.

Drainage and Flood Risk

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 185 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 of Section 2 of the Tendring District Local Plan 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. 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 application form submitted with this application states that the proposal will be connected to the mains sewer. This is in accordance with the above policy requirements and is therefore considered to be acceptable in the event of an approval. As such, it is considered that the proposal is acceptable from a flood risk perspective and compliant with the relevant policies outlined above.

Financial Contributions – Open Space & RAMS

(i) Open Space

Paragraph 55 of the NPPF states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 57 of the NPPF states planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly relate to the development and fairly and reasonably relate in scale and kind to the development.

Section Policy HP5 states that the Council will work with partners and sports providers across the district to maintain, expand and improve the quality and accessibility of public

open space, sports and recreational facilities of different types and will aim to achieve and exceed standards set out in the Council's 2017 Open Spaces Strategy or any future update. Financial contributions will also be sought through s106 legal agreements (or an appropriate alternative mechanism) towards ongoing maintenance.

Given the scale of the proposed development and the nature of the extant use, it is not considered expedient to request financial contributions in line with the requirements of Section 2 Policy HP5, therefore no contribution is requested on this occasion.

(ii) Habitat Regulations Assessment

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 proposal is part-retrospective to change a care home back to a residential (C3) property, moreover it is unclear when and to what extent the property in question has been used as a C3 dwelling (ie 'the retrospective' part) and the applicant has not demonstrated through a lawful use certificate when or to what extent the property, or part of the property, has revert back to C3 – on this basis it is considered that an appropriate condition is required to ensure that the development is compliant with the legislation and that it 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 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

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.

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. 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).

The statutory framework for BNG does not apply as the application impacts less than 25sqm of habitat.

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 proposed works resulting in a conversion of the existing building and the use of existing hardstanding areas for parking. No development of the existing garden area is proposed, and it is not considered that there would be any potential impacts on protected species.

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.

Other Considerations

One letter of objection has been received on the application with points summarised below:

- Object to the building being used as an HMO

Officer Response – There is nothing within the application to suggest that the property will be used as an HMO and if this is the intention of the applicant then a further change of use application would be required due to the Article 4 direction restricting the change of use from C3 to a Small HMO across Tendring.

Conclusion

The application site involves the part-retrospective conversion of a former care home to a residential dwelling and is considered acceptable in terms of its design and appearance, its impacts on residential amenities, flood risk, biodiversity and highway safety. The application is compliant with the above-mentioned national and local planning policies and 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.

- Drawing No. ZAAVIA/21GR/304A – Proposed Ground Floor Plan – Received 03.07.24
- Drawing No. ZAAVIA/21GR/305A – Proposed First Floor Plan – Received 03.07.24
- Drawing No. ZAAVIA/21GR/306A – Proposed Loft Plan – Received 03.07.24
- Drawing No. ZAAVIA/21GR/308A – Proposed Elevations – Received 03.07.24
- Drawing No. ZAAVIA/21GR/309A – Existing and Proposed Roof Plan – Received 03.07.24
- Drawing No. ZAAVIA/21GR/310A – Existing and Proposed Section AA – Received 03.07.24
- Drawing No. ZAAVIA/21GR/311/A – Cycle Pod Details – Received 03.07.24
- Drawing No. ZAAVIA/21GR/313A – Proposed Block Plan – Received 03.07.24
- Design & Access Statement – Received 03.07.24
- Reasonable Exception Statement – Received 03.07.24

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: RESIDENTIAL TRAVEL PACK PRIOR TO OCCUPATION

CONDITION: Within one month of approval, a Residential Travel Information Pack (travel pack) shall be provided for the 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.

4. **CONDITION:** No internal conversion or fit out 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 should include as a minimum the following:-

- Agreement of carbon level;
- Agreement of provisions to ensure the development is zero carbon ready;
- A Water-butts for the dwelling;
- Compost bin for the dwelling;
- Agreement of heating of the building; and
- Agreement of scheme for waste reduction
- Details of EV Charging Points

The scheme shall be fully implemented upon full completion of the internal conversion and fit out works and prior to the first full occupancy of the development. 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.

NOTE/S FOR CONDITION:

The greatest threat to our planet is the belief that someone else will save it and also forgetting that small acts, when multiplied by millions of people, can transform the world. Developments will provide buildings/homes to thousands/millions of people over their lifetime. A well designed sustainable development in the beginning will restrict the contribution each person makes to that threat and help enable them to transform the world.

NOTE/S FOR CONDITION:

The greatest threat to our planet is the belief that someone else will save it and also forgetting that small acts, when multiplied by millions of people, can transform the world. Developments will provide buildings/homes to thousands/millions of people over their lifetime. A well designed sustainable development in the beginning will restrict the contribution each person makes to that threat and help enable them to transform the world.

5. **ACTION REQUIRED: REFUSE BINS AND COLLECTION AREAS**

CONDITION: Within one month of approval, details for the storage of refuse/recycling bins for the hereby approved dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse/recycling bins storage details shall thereafter be implemented within 2 months of the approval of the said details and then retained in perpetuity.

REASON: In the interest of highway safety to ensure that refuse recycling bins 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.

6. ACTION REQUIRED: PROVISION OF CYCLE PARKING

CONDITION: The powered two-wheeler / cycle parking facilities as shown on the approved plan number ZAAVIA/21GR/311/A are to be provided within one month of approval of the development and retained at all times.

Reason: To ensure appropriate powered two-wheeler and bicycle parking is provided in accordance with Policy DM8.

7. FURTHER APPROVAL: MITIGATION TO BE AGREED, RAMS

CONDITION: No internal conversion or fit out works shall commence until 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 any internal conversion or fit out works commence. 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>

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 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

2: 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.

3: 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.

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