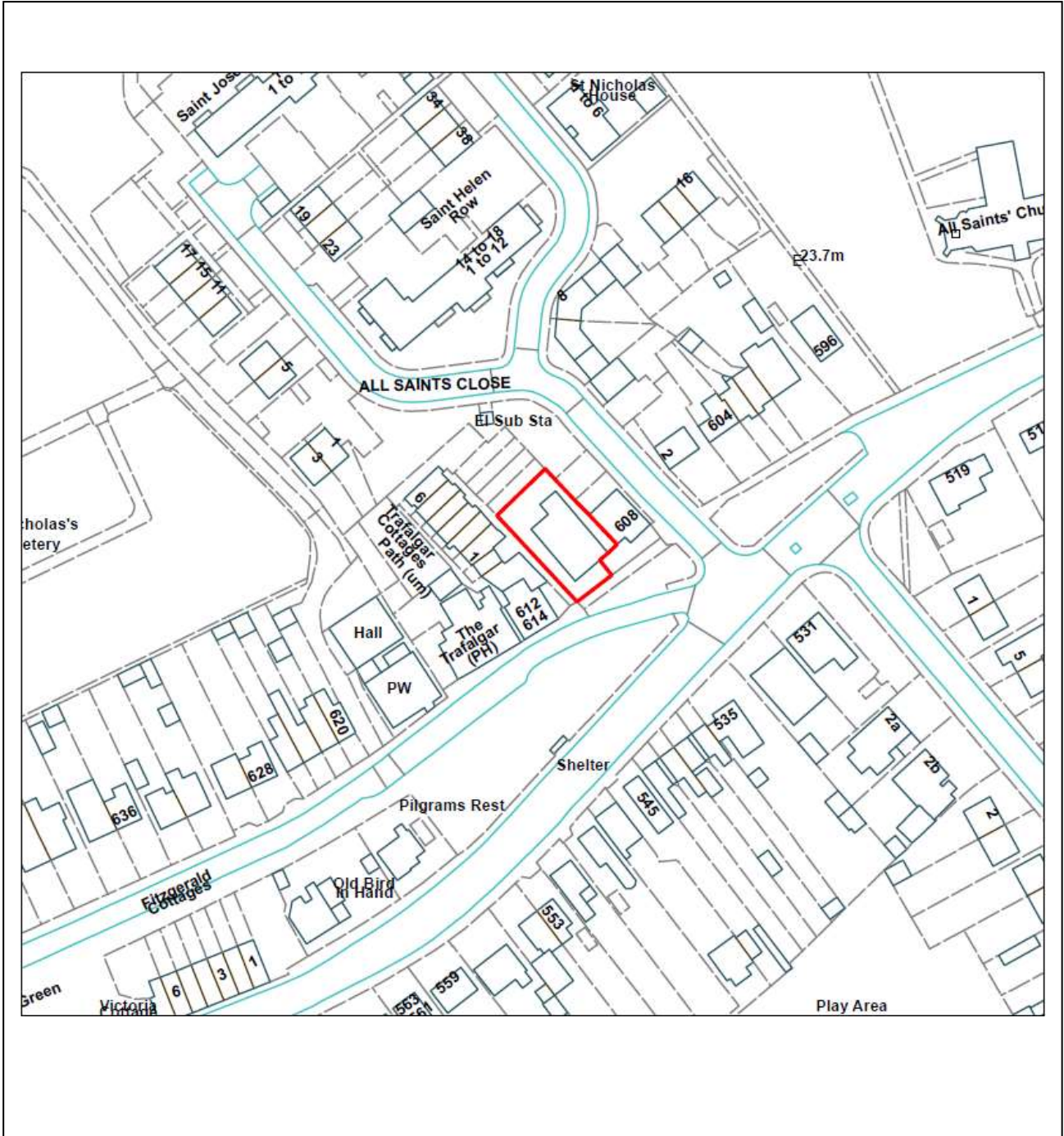


PLANNING COMMITTEE

10 SEPTEMBER 2024

REPORT OF THE DIRECTOR OF PLANNING

A.1 PLANNING APPLICATION – 23/01757/FUL – 610 MAIN ROAD HARWICH CO12 4LW



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Application:	23/01757/FUL	Expiry Date:	2nd February 2024
Case Officer:	Michael Pingram	EOT Date:	17 th September 2024
Town/ Parish:	Harwich Town Council		
Applicant:	Mr Mutaher Hamid Hussain		
Address:	610 Main Road Harwich Essex CO12 4LW		
Development:	Change of use from a dance studio to a Mosque-Community Centre, including addition of a pergola roof over the side access.		

1. Executive Summary

- 1.1 This application is before the Planning Committee at the discretion of the Head of Planning and seeks full planning permission for the change of use from a dance studio (Class E(d)) to a mosque community centre (Classes F1(a), F1(f) and F2(b)). As part of the proposal external works include the erection of a pergola to the side (east) of the building over the side access, and the installation of rear elevation windows at ground floor level.
- 1.2 Given that the proposal will result in the retention of a community facility that is currently vacant and that the building will be used in part as a place of worship, the principle of development is supported by local and national planning policies.
- 1.3 The proposal involves only minor external alterations and following the submission of amended drawings to remove the proposed timber cladding, ECC Heritage raise no objections. In addition, whilst there are neighbouring properties within the surrounding area, the external alterations and noise associated with the proposal are not considered to be so harmful to justify recommending a refusal on this basis.
- 1.4 ECC Highways initially required additional information before being able to provide formal comments, however following the submission of additional details relating to the previous and proposed usage of the site, including vehicular movements, they raise no objections. Officers acknowledge that there is no parking provision, but also give weight to the fact that the existing use of the site equally has no parking provision, and also the existing lawful use likely has additional users to the use being proposed.

Recommendation: Approval

- 1) That the Head of Planning and Building Control be authorised to grant planning subject to the conditions as stated at paragraph 10.2, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,
- 2) The informative notes as may be deemed necessary.

2. 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.

3. 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>

4. Planning Policy

4.1 The following Local and National Planning Policies are relevant to this planning application.

National Planning Policy Framework (2023)
National Planning Policy Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond Section 1:

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:

HP2 Community Facilities
SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL9 Listed Buildings
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

5. Relevant Planning History

N/A

6. Consultations

Below is a summary of the comments received from consultees relevant to this application proposal. Where amendments have been made to the application, or additional information has been submitted to address previous issues, only the latest comments are included below.

All consultation responses are available to view, in full (including all recommended conditions and informatives), on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

ECC Highways Dept

24.04.2024

The information that was submitted in association with the application has been fully considered by the Highway Authority. A previous site visit was undertaken in conjunction with another planning application. The information submitted with the application has been assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material. No new or altered means of access is proposed for the building. Access to the proposal will be from The Green established local road that runs parallel with Main Road. The North Essex Parking Partnership have intervened previously, installing restrictions to aid travel in/out of the district-controlled crematorium further west to this proposal site. It is noted that the site is in close proximity to an existing Pub and two Take-away restaurants none of which appear to have any off-street parking provision either. Realistically, there are very few control methods available to deter the practices which may occur, with enforcement at these types of sites which in turn are likely to be restricted to the local road. Based on the supporting information provided and considering the previous use of the building, the findings suggest that the pre-existing use experienced a high number of visitors by car, the trips generated by the proposed use would be less and due to its urban location, local residents will be encouraged to walk to the site or use public transport, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. As indicated in the supporting information and prior to first occupation of the proposed development, the Developer shall submit a travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years.

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.

2. Prior to commencement of any building works, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

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

Environmental Protection

08.01.2024

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

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

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

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

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

REASON: to protect the amenity of nearby residential premises.

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

Essex County Council Heritage

10.01.2024

The proposal site is in close proximity to a number of designated heritage assets, including, but not limited to:

- Grade II Listed The Trafalgar Public House (List Entry Number: 1298460);
- Grade II Listed Old Timbers (List Entry Number: 1187919);
- Grade II* Listed Church Of All Saints (List Entry Number: 1205059).

The proposed alterations are of limited nature and are overall not considered to affect the setting of the identified heritage asset.

There are concerns regarding the installation of timber cladding to the main elevation as this is not considered to be in keeping with the local character (Paragraph 135c if the NPPF December 2023) and would result incongruous with the industrial character of the existing building. Should the external cladding be removed, and the existing render retained, there would be no objection to this application.

7. Representations

- 7.1 Harwich Town Council have not provided any comments on the application.
- 7.2 The application was initially called in to be determined by the Planning Committee by Councillor Fowler due to the impacts of the development to highway safety. However, following the submission of additional information and the consultee comments received from Essex Highways Authority, this call-in request has since been withdrawn.
- 7.3 There has been a total of 25 objection letters and one letter of observation received, with the following concerns raised:
- Traffic and parking issues; (*addressed within the main body of the report below*)
 - Visual harm to character of area; (*addressed within the main body of the report below*)
 - Noise impacts to neighbours; (*addressed within the main body of the report below*)

- Unclear how foul sewage would be disposed of; *(the applicant has ticked 'unknown' on the application form, however the proposal is predominantly for a change of use of the building so the existing disposal methods can continue)*
- Should demonstrate a need for this facility; *(in this matter need is not a material consideration to be given weight)*
- Safety impacts; *(Undefined in planning terms. Noted: a planning condition is recommended to restrict opening hours, which will in turn avoid the building being operated at more unsociable hours)*
- Concerns the development will result in overlooking. *(addressed within the main body of the report below)*

7.4 In addition, there have been a total of 19 letters of support received.

8. Assessment

Site Description

- 8.1 The application site is 610 Main Road, which is sited to the northern section of Main Road within the parish of Dovercourt. The building is a single storey property previously used as a dance studio but currently vacant.
- 8.2 The character of the surrounding area is heavily urbanised, with commercial and residential properties sited adjacent to all sides. Approximately 60 metres to the north-west is the St Nicholas cemetery.
- 8.3 The site falls within the Settlement Development Boundary for Dovercourt within the adopted Local Plan 2013-2033. Approximately 100 metres to the east is a Grade II* Listed Building, and to the south and west are Grade II Listed Buildings.

Description of Proposal

- 8.4 This application seeks full planning permission for the change of use of the property from a dance studio (Class E(d)) to a mosque community centre (Classes F1(a), F1(f) and F2(b)). As part of the proposal, external works include the erection of a pergola to the side (east) of the building over the side access, and the installation of rear elevation windows at ground floor level.
- 8.5 The initially submitted plans also included the front and side elevations being finished in timber cladding, however following concerns raised during the determination of the application this has been removed and the existing render is instead retained.
- 8.6 The opening hours proposed are as follows:
- Mondays to Thursdays; 2pm-8pm; and
Fridays and Saturdays; 12pm-2.30pm and 4pm-9pm.

- 8.7 The supporting information confirms that the site will host weekly prayers but will also be used for community facilities including educational workshops, English classes, arts and culture, and youth programs.

Principle of Development

- 8.8 Paragraph 96 of the National Planning Policy Framework (2023) states that planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other. Paragraph 97 adds that to provide social, recreational and cultural facilities and services that the community needs, planning policies and decisions should plan positively for the provision and use of community facilities such as places of worship.

- 8.9 Adopted Policy HP 2 highlights that the Council will work with the development industry and key partners to deliver and maintain a range of new community facilities. New development should support and enhance community facilities where appropriate by providing on site or contributing towards new or enhanced community facilities to meet needs arising from the proposed development or growth.
- 8.10 The application is seeking planning permission for the change of use of the site into a mosque community centre, and accordingly will not result in the loss of an existing community facility. The submission outlines that there will be a range of community facilities proposed, including weekly prayers, educational workshops and youth programs, which fully align with the requirements of the above local and national planning policies. Officers note that the current site is vacant and has been since 2023, but planning must consider the current use and give this material weight and the proposal would bring back into use a community facility. As such, Officers raise no objections to the development in principle subject to the considerations discussed below in more detail.

Design and Appearance

- 8.11 Paragraph 135 of the National Planning Policy Framework (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.
- 8.12 Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Adopted Policy SPL3 Part A (b) requires that development relates well to its site and surroundings, particularly in relation to its siting, height, scale, massing, form, design and materials.
- 8.13 The building subject of the application is highly prominent from views along Main Road; however, Officers note on this occasion that the development is predominantly a change of use of the building, with the only external alterations being additional rear elevation windows (which would not be visible from the street scene) and the addition of a pergola. Whilst this would be visible from the street scene, it is a relatively minor addition that does not harm the character and appearance of either the existing building or surrounding area. Accordingly, Officers conclude that the development will not appear visually harmful.

Heritage Impacts

- 8.14 Paragraph 200 of the NPPF (2023) states that an applicant should describe the significance of any heritage assets affected, including any contribution made by their setting, with the level of detail being proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 208 identifies that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.15 Adopted Local Plan Policy PPL9 (Listed Buildings) states proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric. Where a proposal will cause harm to a listed building, the relevant paragraphs of the NPPF should be applied dependent on the level of harm caused.
- 8.16 The proposal is in proximity to various listed properties and as such ECC Place Services (Heritage) have been consulted on the application. Their comments read as follows:

"The proposal site is in close proximity to a number of designated heritage assets, including, but not limited to:

- Grade II Listed The Trafalgar Public House (List Entry Number: 1298460);
- Grade II Listed Old Timbers (List Entry Number: 1187919);
- Grade II* Listed Church Of All Saints (List Entry Number: 1205059).

The proposed alterations are of limited nature and are overall not considered to affect the setting of the identified heritage asset.

There are concerns regarding the installation of timber cladding to the main elevation as this is not considered to be in keeping with the local character (Paragraph 135c of the NPPF December 2023) and would result incongruous with the industrial character of the existing building. Should the external cladding be removed, and the existing render retained, there would be no objection to this application.”

- 8.17 Following the submission of these comments, amended drawings have been received that have removed the timber cladding, instead reverting back to the existing render. Accordingly, the proposal will have no impact on the designated heritage assets as set out above.

Highway Safety and Parking

- 8.18 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. Paragraph 115 of the Framework states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 117 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 8.19 Policy SPL3 (Part B) of the Adopted Local Plan seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate, and provision is made for adequate vehicle and cycle parking.
- 8.20 Essex Highways Authority have been consulted on the application. Within their initial comments, they requested additional information relating to the off-street parking provision and the approximate number of visitors expected, as well as a car parking survey to determine whether there is enough on-street parking to cater for the proposal.
- 8.21 Following these comments, the agent for the application has provided a Travel Plan document that has outlined the expected weekly attendees for both weekly prayer and for the various additional community activities, which range between 6 and 15 users. It is expected that the number of users attending each session via car will range between 1 and 3, with alternative options being either walking or public transport. In total, weekly visitors are expected to be a maximum of 122.
- 8.22 In addition, the Travel Plan document outlines the usage associated with the previous use of the site as a dance studio, stating that the number of daily users to the site would typically be in the region of 75, of which 69 would use private vehicles, with the total weekly figure being 300. As such, it is demonstrated that the number of users is significantly lower with the use being proposed. The document identifies means to reduce the number of private vehicles used, including the hiring of a Travel Plan Co-ordinator, the production of an information leaflet to all site users to outline sustainable transport methods, the inclusion of a notice board on site to provide travel information to all users, and the introduction of Travel Plan forum meetings twice a year. Should planning permission be forthcoming a condition can be included to secure full details of this prior to first occupation of the building.

- 8.23 Following the submission of this additional information, ECC Highways have confirmed that no new or altered means of access is proposed for the building, and they note that the site is in close proximity to an existing Pub and two takeaway restaurants, none of which appear to have any off-street parking provision. Furthermore, based on the supporting information provided and considering the previous use of the building, the findings suggest that the previous (and lawful) use of the building experienced a higher number of visitors by car. Accordingly, from a highway and transportation perspective they do not object subject to conditions relating to the submission of a Travel Plan document and the storage of building materials.
- 8.24 It is acknowledged that several objections received have been consistent in their concern for the level of car parking provision. Essex Parking Standards (2009) have not been updated since the introduction of the new Use Classes, and therefore do not specifically highlight the necessary parking provision for Class E(d) and Class F1(f). However, Class E(d) was previously Class D2, which required one space per 10sqm of public area, and Class F1(a) and (f), and Class F2(a) was formally Class D1, which would require one space per 10sqm of floorspace. Given that the site measures 143sqm there should be parking provision for up to 15 spaces. On this occasion Officers acknowledge that the site does not have any parking provision. However, it is important to note that the existing, lawful use of the site, which has been demonstrated to generate more users, equally has no parking provision.
- 8.25 Consequently, it has been satisfactorily demonstrated that there will be no additional impact to this baseline position, and potentially even a reduction in usage. The site is also highly sustainable, in good walking distance to public transport. Therefore, on balance, Officers consider that the identified parking shortfall is not sufficient to warrant recommending a reason for refusal.

Impact on Residential Amenity

- 8.26 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.
- 8.27 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.
- 8.28 The site is within a heavily urbanised location, although the adjacent properties to the east and west are within commercial use. In addition, there are residential properties to the north-west, and further out to all sides. Whilst the proposal is predominantly a change of use, there are external alterations in the form of an additional ground floor rear elevation window and the erection of a pergola. However, these alterations are minor in nature and will not harm the amenities of any nearby neighbours.
- 8.29 Some concerns from objections have been raised that the proposal would result in noise disturbances. However, Officers note that the use of the site is relatively low-key. A condition can be imposed to restrict operating times (it is noted that the current use does not have any restriction on usage), and the use of the site is not considered to be of a loud nature, and again is likely to be slightly reduced in comparison to the existing, lawful use of the site. As such Officers do not identify a level of harm that would warrant a reason for refusal.

Renewable and Energy Conservation Measures

- 8.30 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.

- 8.31 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.
- 8.32 The proposal includes for a development that has the potential to incorporate renewable features, however it is equally noted that the building is in situ and the proposal is large just a change of use, with only minor external alterations. As such, on this occasion Officers do not consider that it would be reasonable or necessary to recommend a planning condition requiring the submission of further details.

Biodiversity and Geodiversity

- 8.33 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.

General duty on all authorities

- 8.34 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.
- 8.35 This development is subject to the general duty outlined above. On this occasion, the proposal is largely just for the conversion of the use of the building, with limited external alterations, and therefore landscaping details are not required. Moreover, a condition to secure a Biodiversity Enhancement Strategy is recommended on this occasion to improve the biodiversity of the site.
- 8.36 Therefore, the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

Biodiversity Net Gain

- 8.37 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. The application was submitted prior to the introduction of this requirement and is not therefore applicable for Biodiversity Net Gain.

Protected Species

- 8.38 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 for a new commercial premises. The proposal is for the change of use of an existing building in a heavily

urbanised location, and with limited external changes, and it is therefore considered that the proposal is unlikely to adversely impact upon protected species or habitats.

- 8.39 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.

9. Conclusion

- 9.1 This application seeks planning permission for the change of use of the building from a dance studio into a mosque community centre. Given that such a proposal retains a community facility to a building that is currently vacant, the principle of development is accepted.
- 9.2 The proposal involves only minor external alterations and following the submission of amended drawings to remove the proposed timber cladding, ECC Heritage raise no objections. In addition, whilst there are neighbouring properties within the surrounding area, the external alterations and noise associated with the proposal are not considered to be so harmful it would justify recommending a reason for refusal.
- 9.3 ECC Highways initially required additional information before being able to provide formal comments, however following the submission of additional details relating to the previous and proposed usage of the site, including vehicular movements, they raise no objections. Officers acknowledge that there is no parking provision, but also give significant weight to the fact that the existing, lawful, use of the site equally has no parking provision, and the existing use is likely to generate more users to that being proposed.
- 9.4 Taking the above into consideration, Officers conclude that the development adheres with local and national planning policies and is therefore recommended for approval.

10. Recommendation

- 10.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives.

10.2 Conditions and Reasons

- 1 **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 **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 DPB/BD/P/000 received 8th February 2024, DPB/BD/P/001 received 8th February 2024, DPB/BD/P/002 received 8th February 2024, DPB/BD/P/003 received 8th February 2024, DPB/BD/P/004 received 8th February 2024, DPB/BD/P/005 received 8th February 2024, DPB/BD/P/006 received 8th February 2024, DPB/BD/P/007 received 8th February 2024, DPB/BD/P/008 received 8th February 2024, DPB/BD/P/009 received 8th February 2024, DPB/BD/P/010 received 8th February 2024 and titled 'Existing and Proposed Section 2', DPB/BD/P/010 received 8th February 2024 and titled 'Proposed 3D View', and the document titled 'Travel Plan & Community Engagement Response'.

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 CONDITION: The hereby permitted development/use shall only operate between the hours of 11am and 9pm Mondays to Sundays. There shall be no deliveries to the development/use arranged for outside of these approved hours.

REASON: To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

NOTE/S FOR CONDITION:

1) This condition shall engage and restricts the operation of the development from the first commencement of the use. 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. This condition as detailed will apply to the development at all times unless varied or removed legally.

2) If the development operates outside of the hours stated this may result in unlawful development/use at risk of Enforcement Action. You are encouraged to discuss any concerns with this condition with the Local Planning Authority.

- 4 CONDITION: Prior to the first occupation/use of the development, a Travel Plan including details of the travel arrangements to and from the site for employees, customers and monitoring provisions shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved Travel Plan arrangements shall be implemented and followed prior to first occupation/use.

REASON: In the interests of sustainable development.

- 5 CONDITION: Notwithstanding the provisions of Article 3, Schedule 2 Part 3 of the Town & Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking and re-enacting that Order with or without modification), the hereby approved development shall be used as Class F1(a), F1(f) and F2(b) uses and for no other purpose including any other purpose in Classes F1 and F2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument and re-enacting that Order with or without modification).

REASON: To enable the Local Planning Authority to retain control over the development in the interests of the amenity.

- 6 CONDITION: No goods, products, raw materials, scrap material or other materials of any other sort shall be stored in the open air outside the confines of the building/s included in the approved red line site plan related to this permission, except pursuant to the grant of separate planning permission on an application made in that regard.

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

NOTE/S FOR CONDITION:

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. This condition as detailed will apply to the development at all times unless varied or removed legally.

10.3 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.

Biodiversity Enhancements Informative:

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include:

<https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

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) On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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.

11. **Additional Considerations**

Equality Impact Assessment

- 11.1 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.
- 11.2 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.
- 11.3 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 result in the addition of a mosque community facility, thus providing additional religion/belief facilities within the District.	Positive

Human Rights

- 11.4 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 11.5 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 11.6 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 11.7 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.

12. Background Papers

- 12.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.