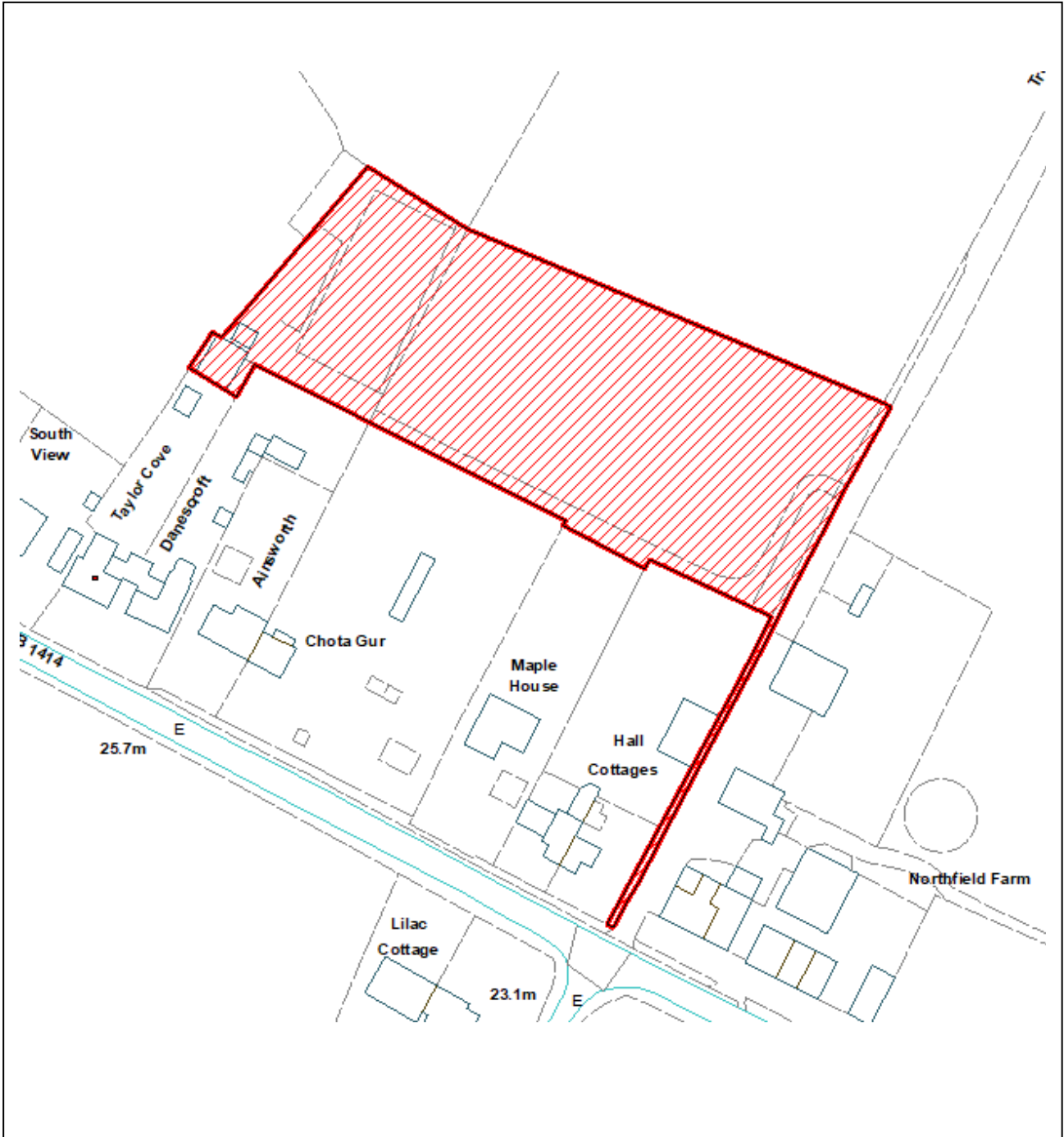


PLANNING COMMITTEE

5TH NOVEMBER 2024

REPORT OF THE DIRECTOR OF PLANNING

**A.3. PLANNING APPLICATION – 24/00721/FUL – LAND TO THE REAR OF TAYLOR COVE
HARWICH ROAD BEAUMONT CLACTON ON SEA CO16 0AX**



DO NOT SCALE

© Crown Copyright and database right 2024. Ordnance Survey Licence No.100018684.

Application:	24/00721/FUL	Expiry Date:	3rd October 2024
Case Officer:	Alison Pope	EOT Date:	
Town/ Parish:	Beaumont Parish Council		
Applicant:	Mrs H Beach		
Address:	Land to The rear of Taylor Cove, Harwich Road, Beaumont, Clacton On Sea, Essex, CO16 0AX		
Development:	Full Planning Application - Retrospective double field shelter comprising of a hay/storage barn and a stable.		

1. Executive Summary

- 1.1 The application is referred to the Planning Committee by Councillor Daniel Land on grounds of intrusion into the open countryside, blocking views of the Hamford Water Site of Special Scientific Interest (SSSI) with no detail of how environmental factors will be dealt with.
- 1.2 The application seeks retrospective planning permission for a double field shelter comprising of a hay/storage barn and one stable and is recommended for approval subject to the necessary conditions set out below.

Recommendation: Approval

- 1) That the Head of Planning and Building Control be authorised to grant planning permission 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:

National Planning Policy Framework December 2023 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP7 Place Shaping Principles

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

SPL3 Sustainable Design

PPL2 Coastal Protection Belt

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

Supplementary Planning Documents

Biodiversity Net Gain Supplementary Planning Document June 2023 (DRAFT)

5. **Relevant Planning History**

04/00975/FUL	Proposed entrance gates to Taylor Cove and Danes Croft	Approved	03.07.2004
18/01087/FUL	Creation of manège exercise area associated with adjacent grazing land and stables.	Approved	08.11.2018
18/01276/FUL	Proposed new stables and change of use of agricultural land to grazing for horses.	Approved	08.11.2018
18/01497/FUL	Proposed front wall with railings.	Approved	29.11.2018
19/00011/DISCON	Discharge of Condition 4 (Waste Management Plan), Condition 7 (Floodlighting) and Condition 9 (Boundary Fencing) of application 18/01276/FUL.	Approved	22.02.2019

6. **Consultations**

6.1 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.

6.2 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/>

Environmental Protection **19.08.2024**

No objections subject to conditions relating to:

- Effluent originating from the shelter floor must be considered foul water and thus conveyed and disposed of in the same manner as domestic foul water.
- A plan for storage and removal of horse manure is to be confirmed with this authority.
- No burning of horse manure should be carried out on site.

ECC Highways Dept **21.08.2024**

The information provided with the application has been assessed by the Highway Authority and conclusions reached from a desktop study based on the submitted material and google maps. No site visit was undertaken in conjunction with this planning application. The proposal site is set back from the public highway and is accessed from a private farm track which also forms part of Public Footpath 11 (Beaumont Cum Moze_159). No new or altered means of access is proposed for this application and it is not considered that the introduction of a hay/storage barn and single stable would give rise to a significant increase in vehicle movements to and from the site or 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 a condition ensuring the public right of way remains free and unobstructed at all times.

7. Representations

7.1 Parish/Town Council

No comments have been received from Beaumont Parish Council

7.2 Neighbour/Local Representations

Two representations objecting to the application have been received and they raise the following concerns:

- Located in the Coastal Protection Belt
- Impact on the rural landscape which will change the character of the open fields
- Obtrusive within the broader natural landscape
- Adjacent and close to neighbouring residential properties
- Increase in vermin and flies due to the location of the muck pile
- Fire hazard

8. Assessment

Site Context

- 8.1 The application relates to a property known as Taylor Cove, Beaumont a south-west facing link-detached dwelling on the northern side of Harwich Road (linked by single storey garages only). The application site itself comprises land to the rear of the dwelling and neighbouring properties to the south east also encompassing an existing farm access track to the eastern side of Hall Cottages. This access is also a Public Right of Way.
- 8.2 The field to the rear of the residential properties which forms part of the application site lies outside of but adjacent to the Beaumont-cum-Moze Settlement Development Boundary within the adopted Local Plan 2013-2033, and lies within the Coastal Protection Belt of Walton Backwaters, Horsey Island and Irlams Beach. There are no neighbourhood plans to consider.
- 8.3 Beyond the area subject of this planning application the area is semi-rural in character with open fields on the opposite side of Harwich Road and to the rear of the dwellings.

Planning History

- 8.4 Planning permission (18/01276/FUL) for approximately 0.65 hectares of land, to the rear of Taylor Cove which also stretches behind the neighbouring properties to the south east, granted in November 2018 for a change of use of the land to grazing for horses and a stable block immediately behind the dwelling of Taylor Cove.
- 8.5 Further to this, planning permission (18/01087/FUL) was granted in November 2018 for a manège enclosed by post and rail fencing at the north western end of the land behind the previously approved stable block.
- 8.6 The conditions imposed on planning permission pertaining to waste management, floodlighting and boundary fencing were satisfactorily discharged in February 2019.

Proposal

- 8.7 The application seeks retrospective planning permission for a double field shelter comprising of a hay/storage barn and a stable located on the eastern side of the application site. The shelter is finished in timber with a low pitched black Onduline corrugated roof with fibreglass roof light. The shelter stands on a concrete floor base. In front of the shelter plastic mud mats are laid on the ground with the area enclosed by a post and wire fence to create a corral.

Design, Appearance and Landscape Impact

- 8.8 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.
- 8.9 Policy PPL2 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 state that new development within the Coastal Protection Belt will protect the open character of the undeveloped coastline and its design should respond appropriately to the landscape and historic character of its context.
- 8.10 Policy PPL3 seeks to protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance, including to estuaries, rivers and undeveloped coast.
- 8.11 The land where the double field shelter has been sited, at the eastern corner of the application site, is within the area of land approved planning permission in 2018 for the grazing of horses. The eastern boundary of the site is largely defined by mature hedging with a metal gate restricting free access to the field.

- 8.12 The field shelter measures 7.265 metres in width, 3.650 metres in depth with an overall low pitched roof height of 2.947 metres with a 1.2 metres roof canopy/overhang at the front of the building. The floor area of the building is 26.51 square metres, while the area of the corral is 35.9 square metres.
- 8.13 The timber building with post and wire fencing is recognisable as a stable for the associated equestrian use. Its siting is close to the established muck heap enclosure at the edge of the application site. There are other examples of equestrian uses with associated buildings in the immediate vicinity of the application site, including Blacksmiths Corner Bungalow, land to the rear of Coronation Villas and the neighbouring Faith Farm/Northview Farm.
- 8.14 The timber field shelter cannot be seen from Harwich Road, however it can be viewed from the public footpath that runs along the eastern side of the site. When travelling north east along the public footpath, the application site and field shelter will be on the north western side of the path with views over Hamford Water on the eastern side.
- 8.15 The design and scale of the proposal is considered to be acceptable and would result in no material harm to visual amenity given its low height and small footprint.
- 8.16 The proposal is not considered to significantly harm the landscape character and quality of the undeveloped coastline, regarded as a minor incidence on the edge of the field for existing private equestrian use, adjacent to the settlement development boundary of Beaumont-cum-Moze with mature hedging on the eastern boundary and approximately 2kms west of Hamford Water.

Highway Safety

- 8.17 Paragraph 114 of the National Planning Policy Framework 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.
- 8.18 The existing vehicular access from the private farm track along the public footpath granted planning permission under application 18/01276/FUL will remain the access point for the equestrian use.
- 8.19 The application site remains for private use by the applicant for her own horses and there is not anticipated to be a significant increase in vehicle movements resulting in a material change to traffic in the vicinity of the site.
- 8.20 Essex Highways consider the proposal acceptable subject to a condition ensuring the public right of way remains free and unobstructed at all times. An appropriate condition is deemed reasonable and necessary, and will be imposed on the grant of planning permission.

Impact on Residential Amenity

- 8.21 Paragraph 135(f) of the National Planning Policy Framework states that planning should always seek to secure a high standard of amenity for all existing and future occupants.
- 8.22 Section 1 Policy SP7 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.
- 8.23 The field shelter is visible from neighbouring properties, however the minor, low level development and distance of 47 metres from the closest rear garden boundary with intervening vegetation is not considered to have an adverse impact on loss of privacy, light or outlook.

8.24 The Council's Environmental Protection team were consulted on the application and they recommend conditions relating to the disposal of effluent from the shelter floor, storage and removal of horse manure and no burning of horse manure on site in the interests of residential amenity and the environment. Appropriately worded conditions are deemed reasonable and necessary, and will be imposed on the grant of planning permission.

Ecology and Biodiversity

8.25 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

8.26 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.

8.27 This development is subject to the general duty outlined above. On that basis a biodiversity enhancement strategy will be secured via condition. Such a strategy may look to include native planting strategies and insect friendly planting, wildlife-friendly infrastructure i.e. nesting boxes, bee bricks and habitat structures.

8.28 Therefore, the development with the inclusion of this condition, 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

8.29 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).

8.30 The statutory framework for BNG applies. This involves the imposition (automatically applied as a deemed condition) of a planning condition on approvals to ensure the objective of at least 10% net gain over 30 years. The determination of the Biodiversity Gain Plan (BGP) under this planning condition is the mechanism to confirm whether the development meets the biodiversity gain objective. Development may not normally be begun until the BGP, via planning condition discharge, is approved, however in this case as a retrospective application this will result in a breach of planning condition that will need to be resolved as soon as possible as the LPA has no power to change this government required condition to allow a more appropriate timeframe.

8.31 Given this position, the government strictly provides it would generally be inappropriate for decision makers to refuse an application on the grounds that the biodiversity gain objective will not be met. This further supports the position that the biodiversity gain objective can always be met in some form.

Protected Species

- 8.32 In accordance with Natural England's standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species.
- 8.33 It is considered that the proposal is unlikely to adversely impact upon protected species or habitats by virtue of the small area of land where the stable and store is located previously being in use as grazing for horses.
- 8.34 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. The development aligns with the statutory framework for biodiversity net gain, striving to achieve a 10% net gain in biodiversity value over 30 years. In conclusion, 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 The proposal will not result in any adverse impact on the character and appearance of the area and will not significantly harm the landscape character and quality of the undeveloped coastline. In addition, the proposal will avoid adverse impacts on neighbouring amenities and the environment and therefore in the absence of any material harm resulting from the development, the application is 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 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.

The approved red line plan drawing is site plan produced by UK Planning Maps scale 1:1250 labelled in handwriting as Plan 1 Existing received 12 June 2024
Dwg no. 0/A600/PR/001

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if

found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

2 ONGOING REQUIREMENT IMPOSED - RESTRICTION ON USE

CONDITION: The double field shelter comprising of a hay/storage barn and a stable hereby approved shall be used solely in connection with private stabling of horses and no business or commercial use including livery or riding school activities shall be carried on from the site whatsoever.

REASON: To prevent the generation of unnecessary traffic in the interests of highway safety, local amenity, and character and appearance of the area.

3 ONGOING REQUIREMENT IMPOSED - RESTRICTION ON EXTERNAL OPEN AIR STORAGE

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.

4 FURTHER APPROVAL - WASTE MANAGEMENT

CONDITION: Within 3 months of the date of this decision, precise details of the proposed interim storage, management timetable and disposal arrangements of all liquid and solid animal/vegetable/other waste from the site outlined in red on the approved plans shall be submitted to and approved, in writing, by the Local Planning Authority. The development thereafter shall be carried out only in accordance with the details as approved by the Local Planning Authority.

REASON: In the interests of the amenities of the locality and to safeguard the environment.

NOTE/S FOR CONDITION:

This condition shall engage and requires details to be agreed within 3 months of the date of this decision. This condition is imposed to ensure harm to the environment is avoided.

5 RESTRICTION - BURNING OF MATERIALS

CONDITION: There shall be no burning of horse manure on the site at any time.

REASON: The site is in the proximity of residential dwellings and therefore suitable control is necessary in order to protect the amenities of residents of such properties.

6 FURTHER APPROVAL REQUIRED - BIODIVERSITY ENHANCEMENT STRATEGY CONDITION

Prior to first occupation of the dwelling a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

7 FURTHER APPROVAL: BIODIVERSITY NET GAIN PLAN

CONDITION: The development may not be begun unless (a) a biodiversity gain plan has been submitted to the planning authority (see note), and (b) the planning authority has approved the plan (see note).

REASON: In order to accord with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and amended by The Biodiversity Gain (Town and Country Planning) Modifications and Amendments (England) Regulations 2024

NOTE - CONTEXT AND APPLICATION:

Planning conditions are typically established upon the granting of planning permission under sections 70(1) and 72 of the Town and Country Planning Act 1990. However, it's essential to note that the biodiversity gain condition operates under a distinct statutory framework, specifically outlined in paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990.

This condition is deemed to apply to all planning permissions granted for land development in England, unless specific exemptions or transitional provisions are applicable (for further details, please refer to the provided web link <https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments> or contact us directly.

The government advises against including this condition in decision notices to avoid confusion. However, for clarity and accountability, we have opted to highlight this condition within the decision notice. This ensures that all involved parties are aware of its requirements, facilitating effective tracking and monitoring throughout the development process, including the discharge of conditions.

In certain instances, this condition may be imposed even if the applicant believes that biodiversity net gain (BNG) does not apply. Based on the available information, it is determined that this permission necessitates the approval of a biodiversity gain plan before commencing development, as none of the statutory exemptions or transitional arrangements apply.

For further details, please consult the officer report as needed. If you believe this condition does not apply, we strongly recommend contacting the Local Planning Authority (LPA) for clarification. Tendring District Council serves as the planning authority responsible for determining the approval of a Biodiversity Gain Plan in relation to this permission.

BIODIVERSITY GAIN PLAN REQUIREMENTS:

For the Biodiversity Gain Plan requirements, please refer to both paragraphs 14 and 15 of the Environment Act Sch 14 Part 2 as amended by The Biodiversity Gain (Town and Country Planning) Modifications and Amendments (England) Regulations 2024.

<https://www.legislation.gov.uk/ukpga/2021/30/schedule/14/enacted>

In summary, the Biodiversity Net Gain (BNG) plan must achieve a minimum biodiversity net gain of 10% and should typically include the following:

- Steps taken or to be taken to minimize adverse effects of the development on the biodiversity of the onsite habitat and any other habitat.
- Pre-development and post-development biodiversity assessments of the onsite habitat.
- Allocation of any registered offsite biodiversity gain to the development and its biodiversity value in relation to the development.
- Details of any biodiversity credits purchased for the development.
- Plans for maintaining and securing the net gain on and/or off site for at least 30 years after completion of the development.

The Local Authority will ensure the submitted details meet the requirements of the Town and Country Planning Act 1990 as amended, Environment Act as amended, associated legalisation and guidance.

Ways to achieve 10% BNG may include:

- 1) Enhancement and restoring biodiversity on-site (within the red line boundary of a development site).

2) If proposals can only achieve part of their BNG on-site, they can deliver through a mixture of on-site and off-site. Developers can either make off-site biodiversity gains on their own land outside the development site or buy off-site biodiversity units on the market as close as possible to the site.

3) If developers cannot achieve on-site or off-site BNG, they must buy statutory biodiversity credits from the government. This must be a last resort. The government will use the revenue to invest in habitat creation in England.

Developers may combine all 3 options but must follow the steps in order. This order of steps is called the biodiversity gain hierarchy.

CONDITIONS AND LEGAL AGREEMENT:

The Local Authority is responsible for ensuring that the biodiversity gain objective is achieved, whether it be onsite, offsite, or through the purchase of credits, and that it is secured by legal agreement as necessary. It is essential to highlight that planning conditions operate within a strict timeframe. Therefore, any legal agreements required to secure the biodiversity gain must be completed prior to the consideration of the planning condition. Failure to comply with this requirement may result in the refusal of the condition.

8 COMPLIANCE REQUIRED: PUBLIC RIGHT OF WAY

CONDITION: The public's rights and ease of passage over public footpath no. 11 (Beaumont Cum Moze_159) shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage and accessibility of the public on the definitive right of way.

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.

Highways Informative

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

On the completion of the Development, all roads, footways/public footpaths, 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.

The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no. 11 (Beaumont

Cum Moze_159) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

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 not likely have direct equality impacts on this target group.	Neutral
--------------------	---	---------

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.
- 11.8 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

12. Declaration of Interest

Please refer to the minutes of this meeting, which are typically available on the councils website which will be published in due course following conclusion of this meeting.

13. Background Papers

- 13.1 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/>.