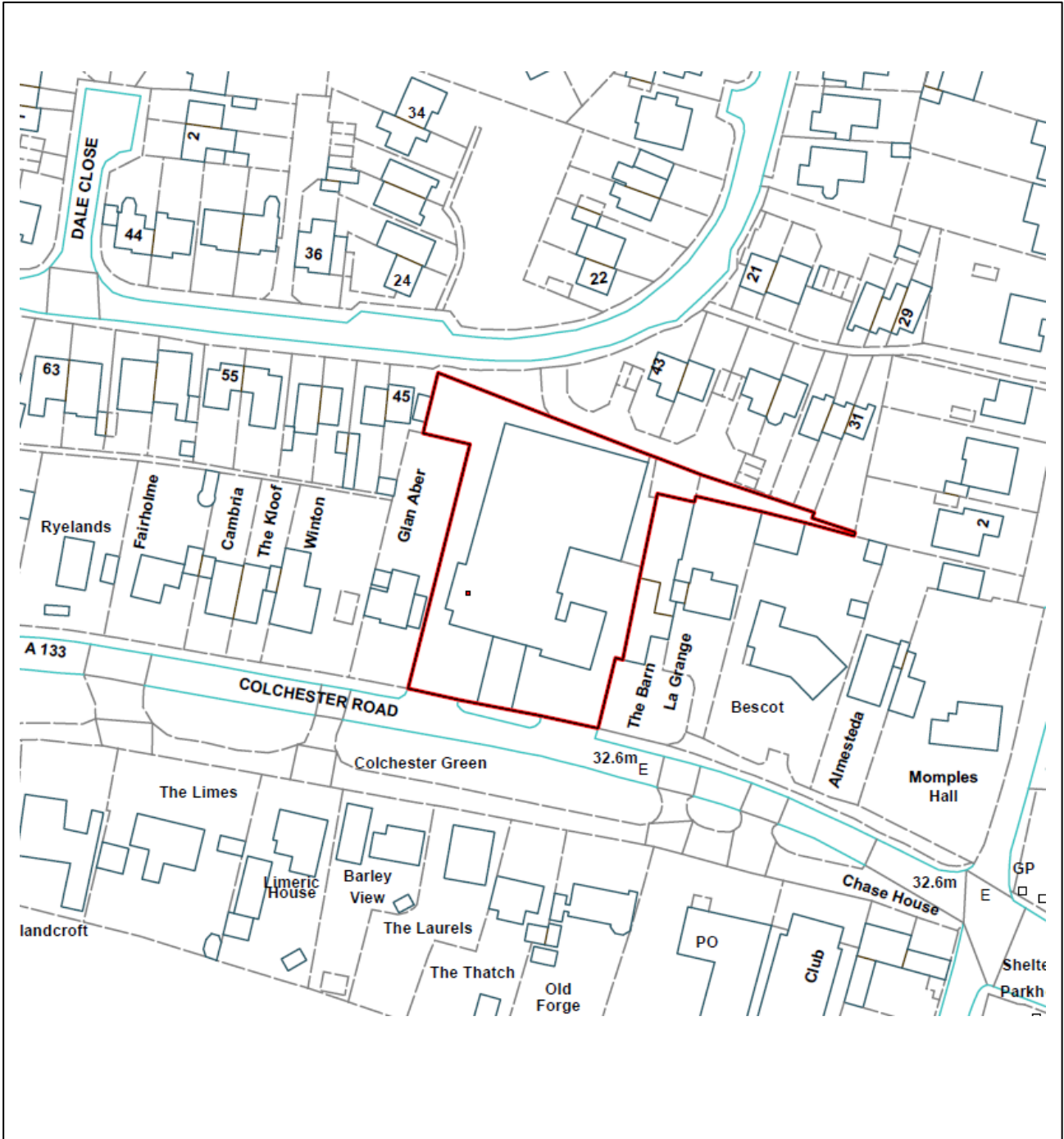


PLANNING COMMITTEE

4<sup>th</sup> March 2025

REPORT OF THE DIRECTOR OF PLANNING

**A.2. PLANNING APPLICATION – 24/00937/FUL – ELMTREE GARAGE COLCHESTER ROAD ELMSTEAD COLCHESTER CO7 7EE**



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<b>Application:</b>	24/00937/FUL	<b>Expiry Date:</b>	18 <sup>th</sup> September 2024
<b>Case Officer:</b>	Oliver Ashford	<b>EOT Date:</b>	7 <sup>th</sup> March 2025
<b>Town/ Parish:</b>	Elmstead Market Parish Council		
<b>Applicant:</b>	Motor Fuel Group Limited		
<b>Address:</b>	Elmtree Garage, Colchester Road, Elmstead, CO7 7EE		
<b>Development:</b>	Planning Application - Demolition of existing buildings, removal of existing canopy, pump islands and underground tanks. Construction of new sales building with 'Food to Go' offer and ATM, installation of new canopy, pump islands and forecourt, installation of 2 x 60 KL underground fuel tanks, creation of new Electric Vehicle Charging (EVC) hub and associated infrastructure, jet wash bays and associated plant room, bin store, car parking, car care facilities and all other associated works.		

## 1. Executive Summary

- 1.1 The application is before Members as the application can be called in by Councillor Scott due to perceived impact of the proposals on traffic, noise and light pollution.
- 1.2 The application seeks full planning permission for the demolition of existing buildings, removal of existing canopy, pump islands and underground tanks. Construction of new sales building with 'Food to Go' offer and ATM, installation of new canopy, pump islands and forecourt, installation of 2 x 60 KL underground fuel tanks, creation of new Electric Vehicle Charging (EVC) hub and associated infrastructure, jet wash bays and associated plant room, bin store, car parking, car care facilities and all other associated works.
- 1.3 The existing commercial building (office/storage), sales building and forecourt will be demolished and replaced by a larger sales building and forecourt. The new forecourt will provide refuelling by 16 vehicles. The new sales building will be located along the northern boundary of the site with a GIA of 380sqm, larger than the existing 2890sqm. The sales area will provide two new 'food to go' uses include a bakery and a hot food takeaway. It will also feature staff area, three customer toilets and a new ATM and pay at night window.
- 1.4 The proposed EVC hub will comprise eight bays with canopies above located along the western boundary with a height of 2.8m. A new canopy will also cover the existing fuel pumps in the same location at the existing but covering a larger area. This will be of similar height to the existing.
- 1.5 Further, new customer car parking of 15 spaces and 1 accessible bay, four new jet wash bays, new underground fuel tanks and associated infrastructure are all proposed.
- 1.6 The proposals are considered to be an upgrade of existing facilities in accordance with the existing use on site, the application is recommended for approval.

**Recommendation:** Approval

- 1) That the Head of Planning and Building Control be authorised to grant full 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.

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## 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>

### **Elmstead Neighbourhood Plan**

The site is located within the parish of Elmstead, and the adopted Elmstead Neighbourhood Plan is therefore relevant. Any relevant policies are included in the list at Section 6 below and have been considered as part of the officer assessment.

## 4. **Planning Policy**

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

### **National:**

National Planning Policy Framework December 2024 ([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

SP3 Spatial Strategy for North Essex  
SP7 Place Shaping Principles

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

SPL1 Managing Growth  
SPL2 Settlement Development Boundaries  
SPL3 Sustainable Design  
HP1 Improving Health and Wellbeing  
HP2 Community Facilities  
PP1 New Retail Development  
PP3 Village and Neighbourhood Centres  
PPL5 Water Conservation, Drainage & Sewerage  
CP3 Improving the Telecommunications Network  
DI1 Infrastructure Delivery and Impact Mitigation

Elmstead Neighbourhood Plan 2024

ELM1 Settlement Development Boundaries  
ELM2 Protecting the Setting of Elmstead Market  
ELM9 Design Codes  
ELM11 The Village Core  
ELM13 Managing Traffic  
ELM18 Local Community Uses

**5. Relevant Planning History**

No site-specific planning history.

**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**

**06.09.2024**

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 and in conjunction with a site visit. It is noted that the rationale behind the application is to bring the existing facility up to modern standards through the redevelopment of the site with no new or altered means of access proposed as part of this application. The supporting information concludes that when compared to the existing use, it is evident that the redevelopment of the site will not materially alter the level of traffic generated by the site. Most, if not all, of the proposed trips will be pass-by trips which would either divert from an existing journey passing the site and would already be on the highway network, and 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 mitigation and conditions:

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local

planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. vehicle routing,
- ii. the parking of vehicles of site operatives and visitors,
- iii. loading and unloading of plant and materials,
- iv. storage of plant and materials used in constructing the development,
- v. wheel and underbody washing facilities.
- vi. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense when caused by developer.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

2. There should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the new development is used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety in accordance with policy DM1.

3. Prior to the occupation of the development, the introduction entry and no entry signage shall be provided at the entry and exit points to the forecourt providing a designated in and out arrangement to the site.

Reason: To ensure that vehicles can enter and leave the site in a controlled manner, in the interests of highway safety in accordance with policy DM1.

4. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with policy DM1.

5. Prior to the occupation of the development, the upgrade and provision of tactile paving in accordance Essex Council specification on the footway crossing points either side of each vehicular access.

Reason: To upgrade and make adequate provision within the highway for existing pedestrian movements using the footway across the site frontage as a result of the proposed development in accordance with policy DM1 and DM9.

6. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

7. The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

8. Prior to the development becoming operational a Delivery Management Plan, shall be submitted to, and agreed in writing with, the Local Planning Authority. The Plans to include the following, and be adhered to at all times:

- i. Suitable Service vehicle area servicing the site for shop deliveries by lorry with appropriate vehicular turning facility to ensure that vehicles can enter and leave the highway in a forward gear.
- ii. Suitable Service vehicle area servicing the shop for small vehicles delivering daily and local supplies with appropriate vehicular turning facility to ensure that vehicles can enter and leave the highway in a forward gear.
- iii. Suitable Service vehicle area for fuel deliveries with appropriate vehicular turning facility to ensure that vehicles can enter and leave the highway in a forward gear.
- iv. Deliveries and refuse collection to the development to be managed/ pre-booked in advance and limited to outside of operational hours only.

Reason: In the interests of highway safety to ensure accordance with Policy DM1 and DM19.

9. Prior to the first use of any external lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety in accordance with Policy DM1.

10. Prior to the opening of the development a Section 106 financial contribution of £25,000 (index linked) towards the future delivery of a new signalised Puffin Crossing west of the application site on the A133 Colchester Road, Elmstead.

Reason: To ensure the proposal site is accessible by more sustainable modes of transport, in particular walking, in accordance with policy DM9 and DM17.

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 and National Planning Policy Framework 2023.

Informative:

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](mailto: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.

iv) Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve

specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available

**Environmental Protection**

**09.08.2024**

The Environmental Protection Team's comments are given below:

Noise Impact Assessment

I have reviewed the Noise Impact Assessment and accept the conclusion. It must be noted that the assessment is made with some assumptions around the design of the site, including noise mitigating screening, therefore we would recommend that a condition is attached to ensure that all the assumptions made in the NIA are achieved and the site constructed as designed in the report.

Contaminated Land

I have reviewed the phase 1 assessment, and the recommendations made in 7.2 of the report (page 15) shall be implemented.

Construction Method Statement

In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Pollution and Environmental Control ask that the following is submitted:

Prior to the commencement of any construction or demolition works, the applicant (or their contractors) shall submit a full method statement to the local planning authority for consideration. This should at minimum include the following where applicable.

o Noise Control

1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

2) 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 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.

4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

o Emission Control

1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

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

3) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

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).

**Tree and Landscape Officer**

**07.08.2024**

There are no trees or other significant vegetation situated on the application site.

On an area of publicly maintained land adjacent to the northern boundary of the site there are two established Silver Birch trees that make a positive contribution to the character and appearance of the area, when viewed from Lucerne Road.

As the land within the part of the application site close to the trees already has a metalled surface the proposed development will not result in harm to tree roots and will not compromise the long-term viability of the trees.

In terms of soft landscaping the proposed site layout and future use of the land provides little, if any, opportunity for new planting to be incorporated into the scheme.

**Tree and Landscape Officer**

**20.08.2024**

Following receipt of your e-mail and attached representation made in respect of the above planning application I have revisited the site to inspect the tree situated in the garden of Glan Aber, Colchester Road, Elmstead.

The tree is a mature Cherry that is growing close to the boundary of the garden adjacent to the application site. The main stem is clothed in Ivy that is spreading into the crown of the tree.

The tree is in reasonable condition with a sparsely foliated canopy. There is some deadwood in the crown indicating that the tree lacks vigour.

Close inspection of the main stem reveals bark denudation and the early signs of decay in the heartwood of the tree.



In terms of amenity value the tree can be seen from the highway when viewed between existing dwellings although the extent to which it features in the public realm is not so great that it merits protection by means of a tree preservation order.

The land, within the application site adjacent to the tree is set to tarmac which will have had an impact on reducing root growth beneath the metalled surface. New development close to the tree is unlikely to harm tree roots.

On balance it is considered that the proposed development would be unlikely to have an adverse impact on the long-term health or viability of the tree and that the amenity value and condition of the tree are such that it does not merit formal legal protection.

**Anglian Water**

**05.08.2024**

Thank you for your email consultation on the planning application.

The Planning & Capacity Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, 500sqm or greater. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details.

The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digdat. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/development-services/locating-our-assets/>

Please note that if diverting or crossing over any of our assets permission will be required. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-our-assets/>

**Health & Safety Executive**

**31.07.2024**

No comments on this specific application and refers to standard advice on its web site.

**Environmental Agency**

**28.08.2024**

Thank you for your consultation dated 30 July 2024. We have reviewed the documents as submitted and can confirm that we are objecting on the proposed development due to risk of contamination to ground waters. We have provided further details below.

**Groundwater Protection**

There is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable. We consider the level of risk posed by this proposal to be unacceptable.

It should be noted that if this objection is removed by satisfying the aforementioned point, planning conditions would be recommended, specifically relating to drainage, contaminated land, tank design and piling.

Reason

To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF 2021), paragraphs 180 and 189 and Environment Agency Groundwater Protection website.

### Overcoming Our Objection

The applicant should provide a comprehensive and balanced options appraisal fairly comparing above and below ground storage, with appropriate mitigation measures to demonstrate best available technique, including above the normal practice measures described in the Association for Petroleum and Explosives Administration document: Guidance for Design, Construction, Modification, Maintenance and Decommissioning of Filling Stations (Revised June 2011) where necessary. The requirements of our Groundwater Protection Position Statements D1 to D4 need to be met. This assessment should consider the underlying sensitive groundwater bodies, the nearby abstractions and associated source protection zone, and the peak seasonal depth to groundwater at the site.

### Further information and advice

The site is underlain by superficial Cover Sand Deposits designated as a Secondary B Aquifer. The site is located within a Groundwater Source Protection Zone (SPZ), namely SPZ 3. The site is located over a EU WFD groundwater body. Shallow groundwater may also be present at the site. The location of the site is therefore considered to be of moderate environmental sensitivity.

We always recommend pre-application discussions relating to these applications. We are happy to outline our requirements prior to an application being made. This will in future help avoid objections to planning applications.

Based on the submitted documents, it appears that the proposal includes the installation of two 60,000 L underground storage tanks. Given the site is located within SPZ3 with potential shallow groundwater, any spills or leaks have the potential to derogate the groundwater abstractions. We consider that the risk from the development, as proposed, is likely to be incompatible with the environmental sensitivity of the site. In line with our Groundwater Protection Position Statements D1 and D2, we only agree to underground storage outside of an SPZ1 where the:

- 1) activity cannot take place within unproductive strata
- 2) storage must be underground (for example public safety), in which case it is expected that the risks are appropriately mitigated

Furthermore, due to the local geology, there is a possibility of shallow groundwater at the site. In line with our Groundwater Protection Position Statement D3, we would also object on these grounds. We would require a detailed assessment of groundwater levels at the site, to include seasonal fluctuations and different strata. It should be noted that this monitoring may take a full year to determine peak groundwater levels and should have been undertaken prior to submitting the planning application. If groundwater appears to be significantly deeper than the proposed underground tanks, we may consider conditioning the application if the other grounds for objection are satisfied.

We adopt the precautionary principle to protecting groundwater because of:

- the difficulties associated with observing and remediating leaks from underground storage and transmission facilities;
- the previous history of pollution from such facilities.

Any proposals for fuel storage at this location would need to be accompanied by a detailed risk assessment carefully considering the risk to the SPZ3 and abstractions. The risk assessment should be based on site-specific data regarding site specific geology, the hydrogeological setting of the site, groundwater flow direction and hydraulic continuity between different aquifer units. We would only agree to the development if it could be shown that there is no pathway connecting groundwater at the site to the abstractions.

The proposal would also have to comply with the remaining Groundwater Protection Position Statements and include adequate pollution prevention / risk mitigation measures as underpinned by the risk assessment.

It should be noted that in environmentally sensitive locations, we expect standards to be in excess of those in the Blue Book. The applicant should provide details of the proposed tank specification with sufficiently robust protection to controlled waters. We would favour above ground tanks with very robust pollution prevention measures instead of underground storage tanks. It is possible to design above ground tanks to satisfy the requirements of the petroleum officer and we have examples of where this has been successfully implemented in the past. The nature of above ground tanks allows any leaks to be observed, contained and remediated with much greater ease than with below ground tanks where leaks can go undetected and clean up can be troublesome and potentially very disruptive and expensive.

We agree with the recommendation of the Phase One Environmental Site Assessment that intrusive site investigation should be carried out, followed by an appropriate remediation method statement and sampling and analysis plan and subsequent verification report. The site had previously been developed, and the previous use(s) are thought to have been potentially contaminative. During site investigation, the location of the proposed soakaway should be investigated to demonstrate that this is not an area of existing contamination. Consideration for the risk posed by surface water drainage and foundations will need to be undertaken.

As an additional note, section 14 of the application form asks the question does the proposal involve "Land where contamination is suspected for all or part of the site?" which was answered with "no". With a previous petrol filling station use, this should have been answered "yes" as petrol filling stations are a probable source of contamination in many cases.

We recommend that developers should:

- 1) Refer to our 'Groundwater Protection' website;
- 2) Refer to our Land Contamination: Risk Management website when dealing with land affected by contamination. This is based on CLR11 which is archived within CL:AIRE Water and Land Library (WALL), and also includes the Guiding Principles for Land Contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, for example human health;
- 3) Refer to our Land Contamination Technical Guidance;
- 4) Refer to 'Position Statement on the Definition of Waste: Development Industry Code of Practice';
- 5) Refer to British Standards BS 5930:1999 A2:2010 Code of practice for site investigations and BS10175:2011 A1: 2013 Investigation of potentially contaminated sites - code of practice;
- 6) Refer to our 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination' National Groundwater & Contaminated Land Centre Project NC/99/73. The selected method, including environmental mitigation measures, should be presented in a

'Foundation Works Risk Assessment Report', guidance on producing this can be found in Table 3 of 'Piling Into Contaminated Sites';

7) Refer to our 'Good Practice for Decommissioning Boreholes and Wells';

8) Refer to our 'Dewatering building sites and other excavations: environmental permits' guidance when temporary dewatering is proposed.

We trust that this advice is useful.

**Environment Agency**

**30.10.2024**

We have reviewed the amended documents as submitted and do not believe that these documents address our previous objection raised. Due to this our objection remains, and we look forward to receiving a further consultation when documents have been submitted to address our objection.

Our previous objection is outline in our response referenced AE/2024/129706/01-L01.

## **7. Representations**

### **7.1 Parish / Town Council (Summary)**

Elmstead Parish Council

27.08.2024

Elmstead Parish Council considered the application in a full council public meeting on 15/08/24. They object to the scheme with points summarised as follows:

- The current site is the only fuel station and 24/7 convenience store in the parish, providing essential services and employment opportunities.
- The proposal conflicts with policy ELM11, which supports multiple essential commercial uses on the site. The loss of these additional uses would not be supported by this policy.
- While the new fuel station would create jobs, the loss of existing businesses would result in a net decrease in local employment.
- Increased traffic flow and inadequate exploration of its impact raise concerns for pedestrian and cyclist safety, especially on the congested A133.
- The existing access points are maintained, leading to potential traffic and safety issues due to multiple vehicle movements.
- Increased forecourt capacity and 24-hour operation would significantly increase noise, affecting local residents and businesses.
- Insufficient detail on lighting and its impact on local wildlife, particularly bats, and the rural village character.
- Lack of detail on boundary fencing and potential security concerns.
- Concerns about increased litter and inadequate mitigation measures.
- The site is deemed unsuitable for 24/7 fast food services due to its rural setting.
- The proposal does not adequately consider the impacts of EV charging facilities to the environment (fossil fuels) and lack of solar panels on the site is seen as an oversight.
- Concerns about permeable asphalt and soakaway leading to potential pollution and fire risks.
- The proposal's single disabled space is insufficient, and the layout does not provide a clear path to the kiosk entrance.
- Concerns about the timing of the planning, design, and access statement publication affecting parishioners' comments.

Officer Response:

- The proposals will still operate as 24/7 and continue to provide essential services and employment opportunities with the addition of two new food service counter.
- Policy ELM11: Point E. provides “Where planning permission is required, proposals for a change of use that will result in the loss of an active commercial, business or service use of a ground floor frontage in the Village Centre Boundary will not be supported.” There is the removal of B8 use and office use elements within the site, with sales area increased within the site. However, the use as a whole for the site remains as employment commercial land and is not loss to non-commercial uses. Therefore, taking the policy overall it is not seen as a conflict nor sufficient to refuse this development on its merits.
- It is not considered correct that there would be a net decrease in local employment due to the loss of the self-storage unit. The applicant has confirmed on the application form that the existing employment on site is 3 full time and 2 part-time members of staff. The proposed facilities will provide 9 full time members of staff and 9 part-time members of staff providing a net increase.
- There is no evidence that the proposals will result in increased traffic flow, the existing facility could present periods of peak operation at any time which are beyond the scope of planning. As outlined further below there a no highway safety issues identified by the proposals.
- It has not been highlighted that the proposals would significantly increase noise as the current arrangement on site is for a 24-hour operation. The level of access and times available would be unchanged.
- Officers accept that the proposals do not included detail on lighting, and this would need to be secured by condition on any approval in order to protect both residential amenity, consider highway matters and wildlife.
- Details of boundary treatments can be secured by condition.
- The site proposes for a bin store area which is within the remit of the planning application.
- The site is identified as within the village core and therefore 24/7 fast food services are deemed appropriate in this location. Notwithstanding, there is no policy conflict to argue against fast food within a rural setting.
- The EV Charging facilities have been adequately highlighted and addressed within the application and are considered to comply with both National and Local Policy. There is no requirement with the local plan for the facility to provide solar panels nor control the source of electricity used.
- The application has provided a drainage report and drainage assessment form which has fully assessed the surface water risks on site.
- The proposed disabled space meets highway standards and is located directly outside the kiosk entrance with direct access.
- Parishioners comments have been fully considered as part of the planning application.

## 7.2 Neighbour / Local Representations

Eight letters of objection have been received on the application relating to:

- Located in between residential properties
- Encourage additional traffic through the village
- Remove existing services from the village currently on site
- Noise & Lighting from new shop
- Opening hours
- Impact on wildlife
- Scale of proposed development

Two letters of observation have been received highlighting the following:

- Consideration to be given to opening hours
- Waste collection
- Light impacts of existing signage

- Potential for parking area to be used to the rear creating a noise impact

## **8. Assessment**

### Site Context

- 8.1 The application relates to the existing petrol station located on the northern side of the A133, Elmstead within the defined settlement boundary of Elmstead Market which is defined as a Rural Service Centre.
- 8.2 The site is accessed to the south from the A133 with two access points. To the east and west of the site lies residential development along Elmstead Road, to the north lies Lucerne Road which serves further residential development.

### Proposal

- 8.3 The application seeks full planning permission for the demolition of existing buildings, removal of existing canopy, pump islands and underground tanks. Construction of new sales building with 'Food to Go' offer and ATM, installation of new canopy, pump islands and forecourt, installation of 2 x 60 KL underground fuel tanks, creation of new Electric Vehicle Charging (EVC) hub and associated infrastructure, jet wash bays and associated plant room, bin store, car parking, car care facilities and all other associated works.

### Principle of Development

- 8.4 Planning law requires that decisions on planning 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). The 'development plan' for Tendring comprises, the Tendring District Local Plan 2013-2033 and Beyond Section 1 adopted in January 2021 and the Tendring District Local Plan 2013-2033 and Beyond Section 2 adopted in January 2022.
- 8.5 Policy SP3 (Spatial Strategy for North Essex) of adopted Section 1 of the Tendring District Local Plan 2013-2033 and Beyond states, amongst other things, that future growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. The Elmstead Neighbourhood Plan also refers to the settlement development boundary for Elmstead. This is consistent with the Framework's objectives for achieving sustainable development through a plan-led approach that focuses development to locations which are or can be made sustainable.
- 8.6 The site is located within the defined settlement development boundary for Elmstead Market where the principle of development is considered acceptable. The proposals are for a replacement facility which is long established, therefore the principle for this form of development on site is already established.

### Scale, Layout & Appearance

- 8.7 Paragraph 135 of the NPPF (2023) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.
- 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. The development should relate well to its site and surrounding.

8.9 The proposed design is consistent with the existing scale design and layout on site and consists of the use of glazing, cladding and associated finishes. It is considered that the scale and layout of the proposed sales building and canopies is consistent with both National and Local Policy.

#### Highway Safety/Parking

- 8.10 Paragraph 114 of the Framework seeks to ensure that safe and suitable access to a development site can be achieved for all users. Policy SPL3 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. Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres. Policy CP1 of the Local Plan states that 'proposals for new development must be sustainable in terms of transport and accessibility and therefore should include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport'.
- 8.11 Essex County Council Highways as the Local Highway Authority have been consulted on the application and state that the supporting information concludes that when compared to the existing use, it is evident that the redevelopment of the site will not materially alter the level of traffic generated by the site. Most, if not all, of the proposed trips will be pass-by trips which would either divert from an existing journey passing the site and would already be on the highway network, and would not result in a material change in the character of the traffic in the vicinity of the site. The recommended highway conditions have been assessed, and the relevant conditions would be imposed as part of any approval.
- 8.12 Recommended highways condition 2 has been assessed regarding visibility splays and is considered to not be necessary due to the proposals utilising the existing access with no alterations. Condition 4 asked for no discharge of surface water onto the Highway however this is considered to be unreasonable and unenforceable. The use of tactile paving will not be requested as it is not considered necessary for the development proposed. Officers consider there to be no reasonable request for two-wheel parking as the proposals are for a petrol station with heavy motor traffic and will not be predominantly used by cyclists. Further, a delivery management plan is not considered to be reasonable as the site is currently operating a full delivery schedule and it is considered unnecessary and a planning matter to interfere with business operations. Finally, the request for a S106 financial contribution of £25,000 is considered to be unreasonable when viewed against the scale of the proposed development and officers will not be requesting these details.

#### Impact on Residential Amenity

- 8.13 Paragraph 135 of the NPPF states that decisions should ensure that developments create places with a high standard of amenity for existing and future users. Policy SPL3 of the Local Plan must meet the criteria where buildings and structures are designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents.
- 8.14 Due to the siting of the existing buildings it is considered that there is already some impact on neighbouring amenity by the existing use that must be given significant weight in the planning balance. The existing operation is a 24 hour business with regular vehicle movements. The proposals are not considered to create a significant increase in terms of loss of privacy, natural light, overbearing impact or overshadowing.
- 8.15 The Council's Environmental Protection Department have been consulted as part of the application and as satisfied that the proposals will not create any amenity issues subject to conditions relating to noise and construction method statement being imposed on any approval. On this basis it is considered that the proposals are in accordance with both National and Local Policy with regards to Residential amenity.

### Trees and Landscaping

- 8.16 Policy SPL3 seeks new development that respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. The design and layout of the proposed development should maintain or enhance important existing site features of landscape, ecological, heritage or amenity value.
- 8.17 The Council's Tree and Landscaping Officer has been consulted as part of the application and notes that there are no trees or other significant vegetation situated on the application site. On an area of publicly maintained land adjacent to the northern boundary of the site there are two established Silver Birch trees that make a positive contribution to the character and appearance of the area, when viewed from Lucerne Road. As the land within the part of the application site close to the trees already has a metalled surface the proposed development will not result in harm to tree roots and will not compromise the long-term viability of the trees.
- 8.18 In terms of soft landscaping the proposed site layout and future use of the land provides little, if any, opportunity for new planting to be incorporated into the scheme, however a new small area of landscaping will be provided to the north in order to provide some screening and protect residential amenity. On this basis the proposals are considered to be in accordance with National and Local Policy with regards to trees and landscaping.

### Environmental Issues

- 8.19 The proposals involve the replacement of existing fuel tanks and this has been supported by the Appraisal document of fuel storage and distribution infrastructure (risk assessment). Officers consider that this has fully addressed the planning issues in relation to this matter. The Petrol Station is subject to The Petroleum (Consolidation) Regulations 2014 and Environmental permitted which are matters beyond planning control and the local planning authority should not seek to duplicate control of other authorities. Further, the Petroleum Enforcing Authority will be engaged during the new development to allow initial review and assessment of the design and its development through to monitoring and construction stages to ensure compliance. While noting the comments of the Environmental Agency, the tanks and associated works would not result in a net gain to the current provision but are more likely to ensure the facilities are up to date and in accord with all current regulations and the site maintains a good condition to avoid harm. On this basis the tanks are not considered to result in a net change that would result in planning impact to judge if harmful or not and there is no change in the environment of the site or policy position to consider that this site is now not appropriate in planning terms. Therefore these are considered to be acceptable from a planning perspective with officers noting their implementation and other regulations are a matter beyond planning.

### Renewable Energy

- 8.20 Chapter 14 of the National Planning Policy Framework supports the transition to a low carbon future in a changing climate while Policy PPL10 of the Local Plan supports renewable energy generation and energy efficiency measures for residential development.
- 8.21 The proposal includes a number of Electric Vehicle charging points which are considered to be in accordance with the governments aims to transition to a low carbon future in a changing climate. This aligns with both National and Local Policy and is therefore supported in this regard while noting that the source of electric may come from renewable and non-renewable sources at this time.

### Ecology and Biodiversity

- 8.22 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.

8.23 This development is subject to the general duty outlined above. In the event that planning permission is forthcoming an informative can be imposed on the decision notice strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. 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

8.24 Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Development Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow). This proposal involves the redevelopment of an existing petrol station with no priority habitats and is therefore exempt from BNG.

8.25 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.

8.26 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

8.27 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.

8.28 The proposal includes small areas of soft landscaping to the front and rear of the site, it is considered that these provide an opportunity to improve the biodiversity on site and enhance the general biodiversity objective. A suitably worded planning condition would be necessary to ensure that the proposed lighting does not have a detrimental impact on any roosting bats. Although no bat population has been identified it is considered reasonable and necessary due to the surrounding wider rural area. 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 It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. While it is noted that the proposal will likely result in increase of actively as a

response of improved facilities, it remains the same use. Planning consideration must give due weight to the level of actively unrestricted at this time on the current site. In addition the proposal is likely to increase job creation and bring economic benefit that must be weighed in the planning balance. In the absence of evidenced material planning harm sufficient to outweigh the benefit and no conflict with the development plan resulting from the proposal 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. 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.

- Site Plan – Drawing No. 14265-LP – Received 24.06.2024
- Drawing No. 14265-29 – Received 24.06.2024
- Drawing No. 14265-28 – Received 24.06.2024
- Drawing No. 14265-27 – Received 24.06.2024
- Drawing No. 14265-26 – Received 24.06.2024
- Drawing No. 14265-210 – Received 24.06.2024
- Drawing No. 14265-25A – Received 17.07.2024
- Drawing No. 14265-24A – Received 17.07.2024
- Drawing No. 14265-22B – Received 01.10.2024
- Drawing No. 14265-23B – Received 01.10.2024
- Drawing No. 14265-BPC – Received 12.08.2024

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. CONSTRUCTION METHOD STATEMENT

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

- a) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
- b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
- c) Details of how construction and worker traffic and parking shall be managed. This shall include routing of all traffic and any directional signs to be installed and where.
- d) Details of any protection measures for footpaths and trees surrounding the site.
- e) Details of any means of access to the site during construction.
- f) Details of the scheduled timing/phasing of development for the overall construction period.
- g) Details of measures to control the emission of dust and dirt during construction, and including details of any wheel washing to be undertaken, management and location it is intended to take place.
- h) Details of the siting of any on site compounds and portalos.
- i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
- j) Site waste management plan (that shall include reuse and recycling of materials)
- k) Scheme for sustainable construction management to ensure effective water and energy use.
- l) Scheme of review of complaints from neighbours.
- m) Registration and details of a Considerate Constructors Scheme
- n) Details on the provision, location and management of any show home/s or reception, including opening times, parking and advertisements (including flags and directional signs).

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

REASON: To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.

NOTE/S FOR CONDITION:

You are strongly advised to discuss this condition with the Local Planning Authority and if possible/available local residents likely to be affected by this development prior to submission of details.

4. NOISE COMPLIANCE

CONDITION: All recommendation contained within the submitted Noise Impact Assessment shall be carried out and thereafter maintained at all times.

REASON: In the interest of the amenity of neighbouring residents having regard to the background noise levels in the area.

NOTE/S FOR CONDITION:

This condition shall engage and requires details to be agreed prior to first use. This condition is imposed due to concern/s over potential noise that may harm amenity and is imposed as it is considered necessary to control potential noise that would have otherwise warranted a refusal.

5. CONDITION: Notwithstanding details submitted, prior to the first use of the development hereby approved, details of the entry and no entry signage shall be submitted to the LPA for approval, in writing, and shall as may be approved be approved at the entry and exit points to the forecourt and thereafter maintained.

REASON: To ensure that vehicles can enter and leave the site in a controlled manner

6. CONDITION: The proposed development hereby approved shall not be first used until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided

7. FURTHER APPROVAL: DETAILS OF ILLUMINATION

CONDITION: Prior to the erection/installation of any floodlighting or other means of external lighting at the site, details to include position, height, aiming points, lighting levels and a polar luminance diagram shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall be carried out and retained as may be approved. There shall be no other means of external lighting installed and/or operated on/at the site except that approved.

REASON: In the interests of amenity to reduce the impact of night time illumination on the character of the area and in the interests of biodiversity.

## 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.

#### **12. Declaration of Interest**

- 12.1 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/>.