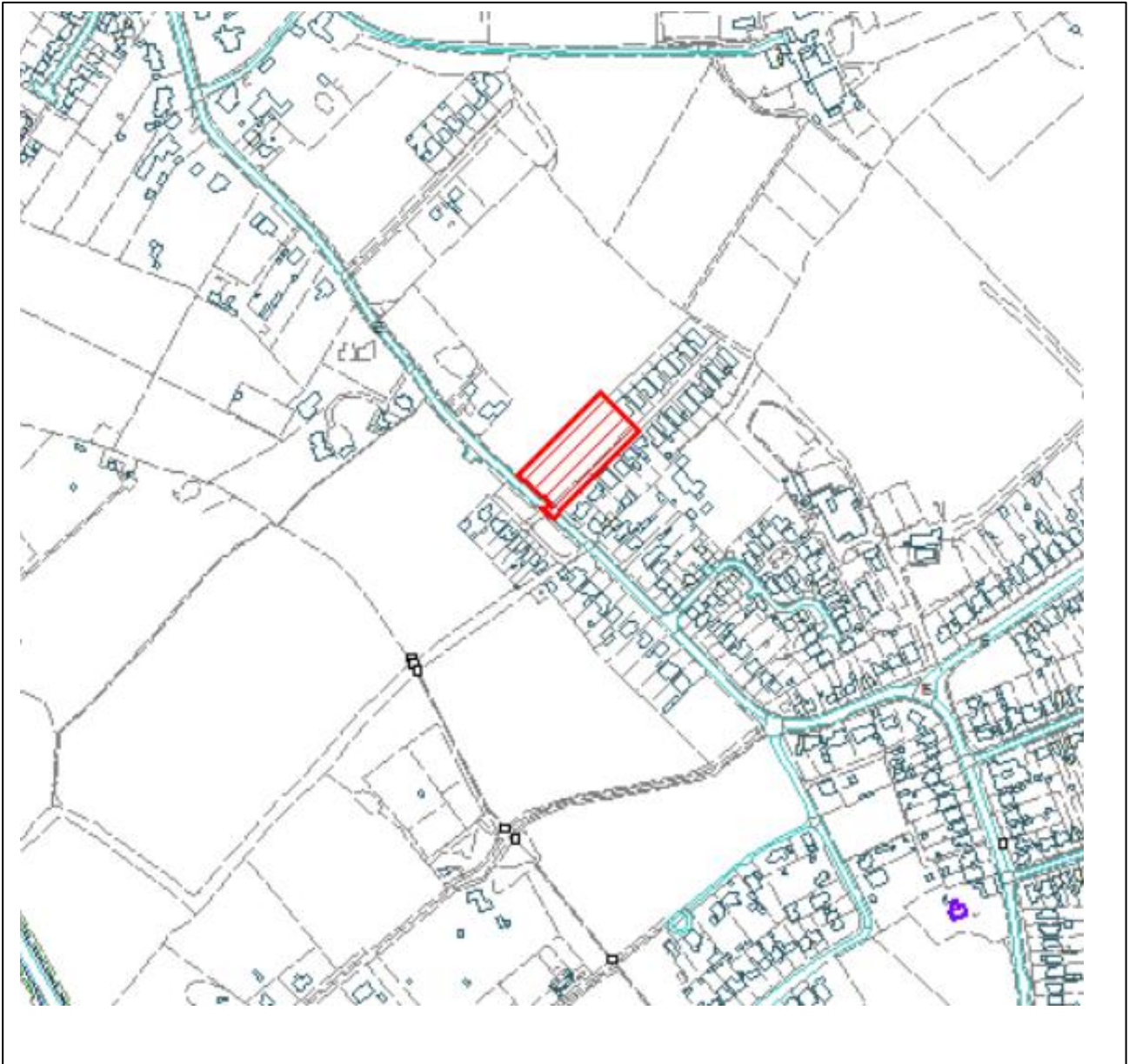


PLANNING COMMITTEE

19 MARCH 2025

REPORT OF THE DIRECTOR OF PLANNING

A.2 PLANNING APPLICATION – 24/01915/VOC – LAND AT CONNAUGHT ROAD WEELEY CO16
9EL



DO NOT SCALE

© Crown Copyright and database right 2025. Ordnance Survey Licence No.100018684.

Application:	24/01915/VOC	Expiry Date:	4th March 2025
Case Officer:	Amy Lang		
Town/ Parish:	Weeley Parish Council		
Applicant:	Mr Sam Kent - Kents Construction and Development		
Address:	Land at Connaught Road Weeley CO16 9EL		
Development:	Application under Section 73 of the Town and Country Planning Act for Variation of Condition 2 (Approved Plans) of application 21/02014/FUL, approved at appeal APP/P1560/W/22/3291996, to enable changes to the floor plans and roof elevations.		

1. Executive Summary

- 1.1 The application is before Members at the request of Councillor Harris.
- 1.2 The application site is located on the eastern side of Weeley Road/Clacton Road, to the north of the existing Connaught Road, within the Parish of Weeley. Development of 7 bungalows is currently under construction (allowed on appeal - planning ref. 21/02014/FUL and appeal ref. APP/P1560/W/22/3291996).
- 1.3 This application seeks to vary the approved plans of application 21/02014/FUL to enable changes to the floor plans and elevations, including insertion of 4 no. high level rooflights to facilitate the creation of two additional rooms and a central storage area within the roof space.
- 1.4 The proposed variations will not materially alter the overall appearance of the development or result in any visual harm or harm to the character of the area.
- 1.5 The revised development meets parking requirements and will not result in any material harm to residential amenities.
- 1.6 For these reasons, the application is recommended for approval.

<p>Recommendation: Approval</p> <ol style="list-style-type: none"> 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.

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>

At the time of writing, there are no draft or adopted neighbourhood plans relevant to this site.

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
SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3 Spatial Strategy for North Essex
SP4 Meeting Housing Needs
SP7 Place Shaping Principles

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

SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
PPL1 Development and Flood Risk
PPL10 Renewable Energy Generation and Energy efficiency Measures
DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

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

[Essex Design Guide](#)

[Technical housing standards](#): nationally described space standard Published 27 March 2015

[Local Planning Guidance](#)

[Essex Parking Guidance Part 1](#): Parking Standards Design and Good Practice September 2024

5. **Relevant Planning History**

21/02014/FUL	Proposed erection of seven dwellings and three garage buildings.	Refused	19.01.2022
Allowed on appeal	APP/P1560/W/22/3291996		23.10.2023
24/01112/DISCON	Discharge of conditions application for 21/02014/FUL (allowed on appeal APP/P1560/W/22/3291996) - Condition 4 (Construction Method Statement); Condition 6 (Landscaping); Condition 7 (Landscape Maintenance); Condition 8 (Biodiversity Enhancement Strategy).	Approved	08.10.2024
24/01172/DISCON	Discharge of conditions application for (21/02014/FUL allowed on appeal) - Condition 11 (surface water drainage).	Approved	08.10.2024

6. **Consultations**

6.1 No consultations were required for the assessment of this application.

7. **Representations**

7.1 Parish / Town Council

Weeley Parish Council object to the application on the following grounds (points raised are addressed in the main assessment section of the report):

- It would appear to be an application to add 2 extra bedrooms to each bungalow without applying for 5-bedroom properties. This is not in keeping with the local area which contains 3-bedroom bungalows currently. This increase in bedrooms would result in an increase in parking needs as this road is narrow and could not accommodate roadside parking and there is no allowance for this in the application to extend the area of the bungalow by creating new rooms.
- In Tendring District, parking standards for new residential developments are outlined in the Essex County Council Parking Standards: Design and Good Practice (2009), which Tendring District Council has adopted. According to these standards, the recommended parking provision for a 5-bedroom house is: 5-bedroom dwelling: Minimum of 3 car parking spaces.
- These standards aim to ensure that new developments provide sufficient off-street parking, thereby reducing on-street parking congestion and maintaining the safety and convenience of local roads.

7.2 Neighbour / Local Representations

4 individual letters of representation have been received. The concerns raised can be summarised as follows (points raised are addressed in the main assessment section of the report or shown in italics below):

- Will increase the number occupants in each dwelling leading to an increase in vehicles.
- Increase in vehicles and vehicular movements in this narrow road will be harmful to highway and pedestrian amenity.
- Insufficient parking for 5-bedroom dwellings resulting in hazardous parking on the road.
- Enlargement of dwellings is not in keeping with the road.
- Dwellings not being built in accordance with the approved plans – sited further forward.
This has been investigated and resolved through the Council's Enforcement Team. The dwellings are being built in accordance with the plans.
- Great concern over drainage infrastructure both for wastewater and for storm drain provision.
This has been dealt with under the original permission.

7.3 Planning Committee Referral:

Councillor Harris has requested that the application be referred to Planning Committee if officers are minded to approve the application, due to the concerns raised by Weeley Parish Council (points raised are addressed in the main assessment section of the report).

8. Assessment

Site Context

- 8.1 The application site is located on the eastern side of Weeley Road/Clacton Road, to the north of the existing Connaught Road.
- 8.2 The site falls within the Parish of Weeley but abuts the Settlement Boundary of Little Clacton.
- 8.3 The site lies outside of the Settlement Development Boundary (SDB) for both Weeley and Little Clacton as defined within the Tendring District Local Plan 2013-2033 but is subject to the approved development of 7 bungalows allowed on appeal (planning ref. 21/02014/FUL and appeal ref. APP/P1560/W/22/3291996).
- 8.4 The approved development is currently under construction.
- 8.5 On the opposite side of Connaught Road, directly opposite the site, are a mixture of bungalows and chalet style properties dating from the 1950's onwards. A number of recently constructed bungalows continue to the eastern end of Connaught Road on both sides of the road.

Proposal

- 8.6 This application is made under Section 73 of the Town and Country Planning Act and seeks a Variation of Condition 2 (Approved Plans) of application 21/02014/FUL allowed on appeal APP/P1560/W/22/3291996, to enable changes to the floor plans and elevations.
- 8.7 The changes proposed include:
 - Minor alterations to the windows and doors to side and rear elevations
 - Changes to the interior layout, including the addition of a staircase
 - Loft conversion to create 2 rooms and a central storage area
 - Minor changes to the materials finish
 - Insertion of 4 no high level rooflights

Scope of a S73 Application

- 8.8 An application made under section 73 of the Town and Country Planning Act 1990 can be used to make a material amendment by varying or removing conditions associated with a planning permission. There is no statutory limit on the degree of change permissible to conditions under section 73, but the change must only relate to conditions and not to the operative part of the permission.
- 8.9 Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.
- 8.10 A decision notice describing the new permission should clearly express that it is made under section 73. It should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect. Further information about conditions can be found in the guidance for use of planning conditions.
- 8.11 As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. If the original permission was subject to a planning obligation, then this may need to be the subject of a deed of variation.

Principle of Development

- 8.12 The principle of development has been established by the granting of application 21/02014/FUL allowed on appeal APP/P1560/W/22/3291996. Development has commenced and this application seeks alterations to the approved plans condition only.
- 8.13 The approved development has commenced. Whilst permission granted under s73 results in a fresh, new permission, the only considerations relevant to the assessment of the application are the changes proposed to the approved plans and any resultant impacts. There is no scope to re-assess all material planning considerations again, such as principle.

Scale, Layout & Appearance

- 8.14 Paragraph 135 of the NPPF 2024 requires that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, maintain a strong sense of place and create places that are safe, inclusive and accessible.
- 8.15 Section 1 Policy SP7 of the adopted Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Local Plan Section 2 Policies SPL3 and LP4 also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout, create a unique sense of place.
- 8.16 The amendments proposed include minor alterations to the fenestration and materials details of the dwellings. There is also a minor change to the roof arrangement to Plot 1 (gable to hip). These are minor, will be visually negligible and will not materially alter the overall appearance of the development.
- 8.17 The layout, position of the dwellings, position of the garages and boundary treatments will remain as approved.
- 8.18 Whilst still minor, the main external change is the amendments to the rooflights. As approved, each dwelling includes 2 no. large, low level rooflights (internal vaulted ceiling in the main living area). The

proposal will alter the approved plans to include 4 no. high level rooflights. Internally, the rooflights will facilitate 2 no. additional rooms within the roof space, served by a new staircase.

- 8.19 The intended use of the rooms is not annotated on the plans, but each has an internal floor area of approximately 16.5 sqm and is a useable space each with 2 rooflights providing natural light. Whether these are to be used as bedrooms, office space or an alternative residential use, this is not fundamental to the assessment of the application in so far as the scale, layout and appearance impacts are concerned.
- 8.20 The original approval included rooflights. The recent development directly adjacent and other dwellings in the locality include rooflights. For these reasons, the 4 no. high level roof lights proposed will not be visually prominent or harmful to the character or appearance of the area.

Residential Amenities & Living Conditions

- 8.21 Paragraph 135 of the National Planning Policy Framework (2024) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.22 Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 8.23 Furthermore, Policy LP4 j. states that new development must provide for private amenity space of a size and configuration that meets the needs and expectations of residents, and which is commensurate to the size of dwelling and the character of the area.
- 8.24 In addition, the Technical housing standards – nationally described space standard (2015) deals with internal space within new dwellings to ensure appropriate living conditions for future occupants.
- 8.25 As explained above, each loft room has an internal floor area of approximately 16.5 sqm and is a useable space, each with 2 rooflights providing natural light.
- 8.26 The rooflights are positioned at a high level and will not result in any harmful overlooking or loss of privacy between the new dwellings or to neighbouring dwellings adjacent.
- 8.27 Sufficient private amenity space is provided to serve the dwellings with the additional accommodation proposed.

Highway Safety/Parking

- 8.28 Paragraph 115 of the NPPF 2024 requires Councils, when making decisions, to ensure safe and suitable access to the site can be achieved for all users. Paragraph 116 goes on to say, 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, following mitigation, would be severe, taking into account all reasonable future scenarios. Paragraph 109 requires that streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.
- 8.29 TDLP2 Policy CP1 states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing network or would not lead to an unacceptable increase in congestion.
- 8.30 The [Essex Parking Standards](#) set out the parking requirements for new development.

- 8.31 The development, as approved, provides a garage and driveway for each plot. Each driveway measures approximately 16 metres depth providing ample space for the parking of 2 or more vehicles. Overall, each property is provided with 3 parking spaces, amounting to 21 spaces overall. At the time of the original approval, the EPOA Parking Standards 2009 applied. Under these standards, the development required 2 parking spaces per dwelling. Since the original approval, the Parking Standards have been amended.
- 8.32 The Essex Parking Guidance 2024 Part 1 is the up-to-date guidance for parking standards for new development. The parking standards defines Weeley and Little Clacton as 'Low Connectivity' where a dwelling with 4 or more bedrooms requires 3 spaces and 0.25 visitor spaces per dwelling, amounting to a requirement of 22.75 spaces overall.
- 8.33 The garage, plus the depth of the driveways provides 4 spaces per dwelling amounting to 28 spaces overall thus exceeding new parking standards.

Habitats, Protected Species and Biodiversity Enhancement

General duty on all authorities

- 8.34 The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.
- 8.35 This development is subject to the general duty outlined above.

Biodiversity net gain

- 8.36 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 sqm of habitat, or 5m of linear habitats such as hedgerow).
- 8.37 In this instance, as the application has been made under s73 of the Town and Country Planning Act 1990, mandatory biodiversity net gain is not applicable as the original application was made prior to BNG legislation.

Protected Designated Habitats & Sites

- 8.38 The site falls within the recreational Zone of Influence (ZOI) of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.
- 8.39 The necessary financial contribution for RAMS has been secured via the original application and payment was received on 27.08.2024. The development accords with Section 1 Policy SP2, Section

2 Policy PPL4 of the Tendring District Local Plan 2013-2033, and Regulation 63 of the Conservation of Habitat and Species Regulations 2017 and would not adversely affect the integrity of European Designated Sites.

Planning and Appeal History

8.40 The approved development planning ref. 21/02014/FUL and appeal ref. APP/P1560/W/22/3291996 is subject to several conditions, one removing the permitted development rights for extensions and alterations to the dwellings, including alterations to their roofs.

8.41 As set out in the appeal decision, Condition 15 specifies:

- 15) Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions or alterations to any of the dwellings hereby permitted, including to their roofs, nor shall any buildings or enclosures be erected in the rear gardens of the dwellings.

8.42 As contained within the appeal decision, when providing commentary on the need for the conditions, the Inspector concludes:

46. The removal of permitted development rights for extensions, roof alterations and ancillary structures at the rear of the dwellings is also justified, since these would be visually exposed given the relationship between the rear boundaries of the residential plots and the adjacent field. Therefore, maintaining planning control over future additions would be justified, in order to maintain the character and appearance of the area.

8.43 For clarity, the condition removes the following permitted development rights for development within the curtilage of a dwellinghouse:

- Class A - The enlargement, improvement or other alteration of a dwellinghouse
- Class B - Additions etc to the roof of a dwellinghouse
- Class C - Any other alteration to the roof of a dwellinghouse
- Class E - Outbuildings etc incidental to the enjoyment of a dwellinghouse

8.44 The Inspector concluded that the condition was required 'in order to maintain the character and appearance of the area'.

8.45 Should the development be built out as approved and occupied, householder permitted development rights would apply. Internal alterations, including the subdivision of rooms or the conversion of the loft space, would not require planning permission.

8.46 The rooflights associated with the loft conversion works proposed under this application, would require planning permission because permitted development rights for Class B (dormer windows) and Class C (other alterations to the roof) have been removed. Nevertheless, consideration of an application in this regard would be considered against the reason for the condition, namely "the character and appearance of the area". No control over the increase in accommodation through internal changes is restricted. For the reasons set out above, the proposed rooflights would not result in any harm to the character and appearance of the area, in compliance with the reason for the condition.

8.47 Therefore, this constitutes a fall-back position of significant weight as the internal works proposed would not require planning permission once occupied and the rooflights would not conflict with the reason for the condition.

Other Matters – Open Space Financial Contribution

8.48 The planning obligations secured as part of the original permission (Open Space and RAMS) have been paid upon commencement of the development.

8.49 Since the original application, open space contributions are no longer being sought on minor applications.

8.50 This application does not require a new legal agreement.

9. Conclusion

9.1 The principle of development for the construction of 7 bungalows (including rooflights) has been established and is under construction. The amendments to the fenestration and materials are minor and will not materially alter the overall appearance of the development.

9.2 The amended development maintains acceptable parking and private garden provision and will not result in any harm to residential amenities.

9.3 Should the development be built out as approved, once occupied, householder permitted development rights would apply, and internal alterations could be undertaken without permission. The rooflights associated with the loft rooms would not result in any harm to the character and appearance of the area, in compliance with the reason for the condition.

9.4 For these reasons, the amended application is recommended for approval, subject to the necessary conditions carried forward from the original consent (appeal decision). As the development has commenced, a time limit for commencement condition is not required.

10. Recommendation

10.1 The Planning Committee is recommended to grant planning permission subject to the following conditions:

10.2 Conditions and Reasons

1. COMPLIANCE: 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.

- 1763 P07B Ordnance Survey (1:1250 Location Plan)
- 2402-TP-02-B Amended Plots 2, 4 and 6 - Proposed Floor Plans and Elevations (including materials details)
- 2402-TP-03-B Amended Plots 3, 5 and 7 - Proposed Floor Plans And Elevations (including materials details)
- 2402-TP-01-B Amended Plot 1 - Proposed Floor Plans and Elevations (including materials details)
- 1763 P04B Garage Elevations

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

2. COMPLIANCE: APPROVED CONSTRUCTION MANAGEMENT PLAN

CONDITION: The Construction Method Statement approved under Discharge of Condition Application reference 24/01112/DISCON shall be adhered to throughout the construction phase for the development, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development.

3. COMPLIANCE: CONSTRUCTION WORKING HOURS

CONDITION: Construction works shall take place only between the hours of 08:00 to 18:00 on Mondays to Fridays and 08:00 to 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays. No vehicle connected with the works shall arrive on site before 07:30 or leave after 19:00 (except in the case of emergency), unless otherwise agreed in writing by the Local Planning Authority.

REASON: To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development.

4. COMPLIANCE: IMPLEMENTATION OF LANDSCAPING PRIOR TO OCCUPATION

CONDITION: Prior to occupation of the approved dwellings, the development shall be carried out in full accordance with the hard and soft landscaping scheme approved under Discharge of Condition Application reference 24/01112/DISCON, unless otherwise agreed in writing by the Local Planning Authority.

REASON: REASON: To ensure that the approved landscaping scheme is implemented in accordance with the approved scheme and has sufficient time to establish, in the interests of visual amenity and the quality of the development.

5. ONGOING COMPLIANCE: MAINTENANCE OF APPROVED LANDSCAPING

CONDITION: Following the full implementation of the approved landscaping scheme, the landscape maintenance approved under Discharge of Condition Application reference 24/01112/DISCON shall thereafter be carried out in accordance with the approved schedule, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the approved landscaping scheme is maintained to ensure its longevity, in the interests of visual amenity and the quality of the development.

6. COMPLIANCE: BIODIVERSITY ENHANCEMENT STRATEGY

CONDITION: The development shall be carried out in accordance with the surface water drainage strategy approved under Discharge of Condition Application reference 24/01112/DISCON, unless otherwise agreed in writing by the Local Planning Authority.

The development shall proceed in accordance with the approved details and the approved biodiversity enhancement measures shall be retained for the lifetime of the development.

REASON: To enhance protected and Priority species and habitats.

7. COMPLIANCE: NO DISCHARGE OF SURFACE WATER

CONDITION: The development shall be carried out in accordance with the surface water drainage strategy approved under Discharge of Condition Application reference 24/01172/DISCON, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of maintaining highway safety for the lifetime of the development.

8. SPECIFIC RESTRICTION ON DEVELOPMENT: NO GATES

CONDITION: At no point shall gates be provided obstructing vehicular access into the site from Clacton Road (B1441). The access shall remain open and free for use thereafter.

REASON: In the interests of maintaining highway safety for the lifetime of the development.

9. COMPLIANCE: PARKING PROVIDED PRIOR TO OCCUPATION AND RETAINED

CONDITION: The development shall not be occupied until such time as the driveways and garages have been provided in accordance with the approved plans and shall be retained in this approved form thereafter.

REASON: To ensure that adequate parking is available clear of the highway, In the interests of maintaining highway safety for the lifetime of the development.

10. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PD FOR ENCLOSURES

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no fences, walls or other means of enclosure shall be erected along the rear (northwest) boundaries of Plots 1 to 7 other than any means of enclosure and boundary treatments forming part of the approved landscaping scheme.

REASON: The subsequent introduction of alternative means of enclosure along the boundary with the adjacent field could undermine the effectiveness of the approved landscaping scheme and harm the character and appearance of the area.

11. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PD EXTENSIONS, ALTERATIONS AND OUTBUILDINGS

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions or alterations to any of the dwellings hereby permitted, including to their roofs, nor shall any buildings or enclosures be erected in the rear gardens of the dwellings.

REASON: These would be visually exposed given the relationship between the rear boundaries of the residential plots and the adjacent field. Therefore, maintaining planning control over future additions would be justified, in order to maintain the character and appearance of the area.

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.

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

- 12.1 Please refer to the minutes of this meeting, which are typically available on the Council's 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/>.