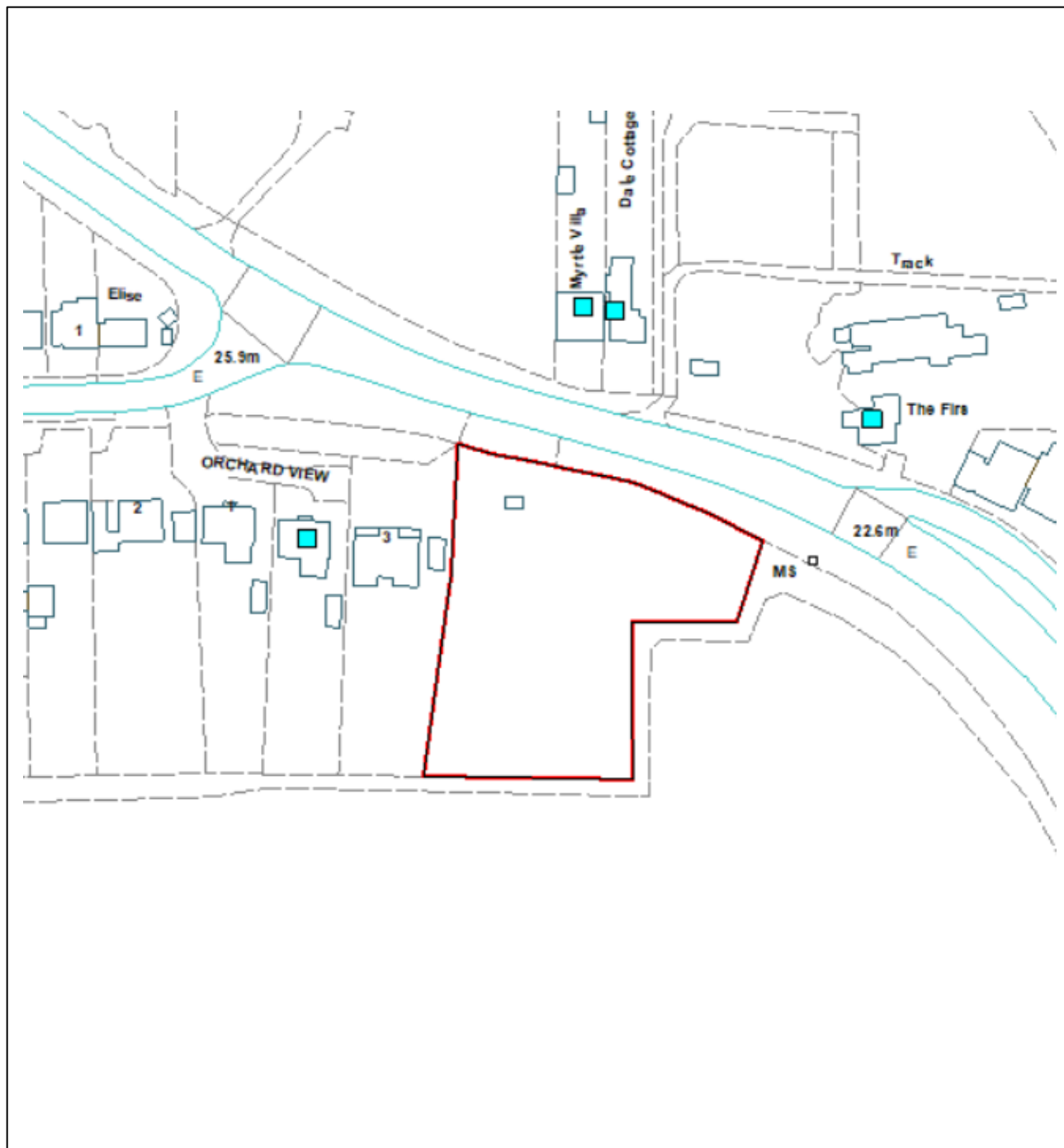


PLANNING COMMITTEE

13 MAY 2025

REPORT OF THE DIRECTOR OF PLANNING

**A.3. PLANNING APPLICATION – 25/00451/FUL – 3 ORCHARD VIEW WIVENHOE ROAD  
ALRESFORD COLCHESTER**



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<b>Application:</b>	25/00451/FUL	<b>Expiry Date:</b>	12th May 2025
<b>Case Officer:</b>	Charlotte Cooper		
<b>Town/ Parish:</b>	Alresford Parish Council		
<b>Applicant:</b>	Mr & Mrs K Pope		
<b>Address:</b>	3 Orchard View Wivenhoe Road Alresford Colchester Essex CO7 8BD		
<b>Development:</b>	Planning Application - Change of use of land to garden.		

## 1. Executive Summary

- 1.1 This application is before the Planning Committee as the applicant is a member of staff for Tendring District Council. The proposal seeks permission for the change of use of land to garden. The application site serves a large parcel of land located towards the east of No. 3 Orchard View.
- 1.2 The boundary treatment consists of mature hedging and part wire fence to the front and timber field gate and 1.1 metre high post and rail fencing to the east, it is not proposed to change the existing boundary treatment. The proposal is therefore deemed to have no significant effects on the visual amenities of the area and is deemed appropriate in this regard.
- 1.3 The use of the site will become residential and therefore any noise levels emitted from the garden will be consistent with those expected of a residential use, raising no major concerns in terms of noise impacts. There are no neighbouring residential dwellings located immediately adjacent to the site. The proposal is therefore deemed acceptable in terms of residential amenities.
- 1.4 Taking the above into consideration, Officers conclude that the proposal is consistent with the national and local planning policies set out below. In the absence of material harm the proposal is recommended for approval.

### **Recommendation:** Approval

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

## 2. Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

### 3. **Neighbourhood Plans**

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

The site is located within the Alresford Parish and therefore the adopted Alresford Neighbourhood Plan is of relevance, see below for all relevant policies.

### 4. **Planning Policy**

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

#### **National:**

National Planning Policy Framework 2025 ([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)

SP 1 Presumption in Favour of Sustainable Development

SP 7 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

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

#### **Neighbourhood Plan**

Alresford Neighbourhood Plan

ALRES1: Alresford Spatial Strategy

ALRES7: Provision for Wildlife in New Development

#### **Supplementary Planning Documents**

[Essex Design Guide](#)

### 5. **Relevant Planning History**

13/00833/OUT	Outline application for 5 new dwellings.	Refused
15/01686/FUL	Construction of a new single storey low impact sustainable dwelling. The proposal will incorporate the provision of a driveway and double garage.	Approved
18/01775/FUL	Proposed residential dwelling house and garage.	Approved

18/01381/FUL	Residential development of 3 dwelling houses.	Refused
19/01261/FUL	Residential development of 3no. dwelling houses.	Refused (allowed at appeal)
20/01409/FUL	Variation of condition 2 of application 19/01261/FUL (approved on appeal APP/P1560/W/19/3244048) for revisions to plot one and access road.	Approved
21/01490/VOC	Variation of condition 2 (Approved drawing numbers) of application 19/01261/FUL - to allow for design amendments to Plots 2 and 3 and Site Layout Plan.	Approved
21/01572/DISCON	Discharge of conditions 3, (Tree report/plan) 4, (Landscaping) and 8 (Construction method statement) of permission 19/01261/FUL.	Approved

## 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/>.

### **Tree & Landscape Officer**

**25.03.2025**

The application site is set to grass and currently forms part of the garden of the host property.

There are no trees or other significant in the main body of the land.

The proposed garden extension does not feature prominently in the landscape and is not overlooked from a public place, nevertheless the proposed change of use of the land from agriculture to garden would contribute to the gradual erosion of the countryside.

Should planning permission be likely to be granted then consideration should be given to the removal of permitted development rights to avoid the future erection of sheds, summerhouses or other outbuildings and so to retain, as far as possible, the semi-rural character of the area.

## 7. Representations

### 7.1 Parish Council

Alresford Parish Council voted to offer a neutral response, by majority decision with one abstention on any vote, and one vote to object to the proposal as submitted.

Council voted that the excellent recommendation by the Tendring District Council Tree Warden should be the basis of covenanting the land, so that no further development might occur, and the land should be utilised as a garden as proposed.

One Councillor asked for it to be minuted that caveats/covenants can be readily overturned and sought council to object to the application. They were over ruled by the majority decision.

*Officer Response – the impact of the proposal on the character / visual amenities of the area has been fully assessed in the below report. Officers agree a condition restricting the permitted development rights of the site is necessary on this occasion to protect the open nature of this semi-rural site and in the interests of visual amenities.*

## 7.2 Neighbour / Local Representations

One letter of representation has been received from a local resident stating the following;

The site is currently laid to grass with a number of young trees planted on the periphery as if it is garden. A similar application was approved with covenants for the garden extension of adjacent properties (2-24 Wivenhoe Road) where their gardens were extended rearwards in 2002. See extract below;

*“03 Notwithstanding the provisions of Article 3 of the Town and Country Planning General Permitted Development Order 1995, no garages, extensions, separate buildings, stables, swimming or other pool with the exception of a domestic outbuilding comprising a volume not exceeding 10 cubic metres, shall be erected within the area of the extended residential curtilage for each property subject of this permission without further express planning permission.”*

If approved this application should bear the same covenants to ensure the use of the land is appropriate to the locality and facility for which the approval is being granted. i.e. not a stepping stone towards the building of further homes.

*Officer Response – The impact of the proposal of the character of the area has been fully assessed in the below report. Officers agree a condition (updated version) restricting the permitted development rights of the site is necessary on this occasion to protect the open nature of this semi-rural site and in the interests of visual amenities*

## 8. Assessment

### Site Context

- 8.1 The application site serves a large parcel of land located to the east of no. 3 Orchard View. The site lies on the edge of the settlement development boundary of Alresford with the eastern part of the site falling outside of any defined settlement development boundary, and the western part of the site falling within the settlement development boundary of Alresford, as defined by the Tendring District Local Plan.
- 8.2 The site is accessed to the south of Wivenhoe Road. Residential development is located to the west of the site with the east and south being surrounded by large open fields. St Osyth road is located to the north of the site. It is worth noting a track located to the eastern and southern boundaries is not owned by the applicants and does not form a public right of way.

### Planning History

- 8.3 Full planning permission was sought for three residential dwellings (no. 1, 2 and 3 Orchard View) under planning application reference 19/01261/FUL. This application was originally refused by Tendring District Council and allowed at appeal (reference APP/P1560/W/19/3244048)

### Proposal

8.4 This application seeks full planning permission for the change of use of land to garden.

#### Design and Appearance

- 8.5 Paragraph 131 of the NPPF states: The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 adds planning decisions should ensure that developments are visually attractive as a result of good architecture, and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- 8.6 Local Plan 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 ensure all new development makes a positive contribution to the quality of the local environment and protect or enhance local character. The following criteria must be met: new alterations are well designed and maintain or enhance local character and distinctiveness; and the development relates well to its site and surroundings particularly in relation to its siting, height, scale, design and materials.
- 8.7 The land is largely shielded from the public views of St Osyth Road by the existing mature trees and shrubbery along the front boundary line. There are no proposed changes to the boundary treatment and therefore the public views will remain well shielded. The land can be viewed from Orchard View, however it is well kept with the traditional appearance of a large garden, in keeping with the residential nature of the area.
- 8.8 There are no proposed changes to the existing boundary treatment and therefore no changes to the design / visual amenities of the site. The proposal therefore cannot be said to have any significant harmful impacts on the visual amenities of the area to justify refusing planning permission.
- 8.9 The proposal is for a change of use to the land only, with no further buildings / development proposed. The parcel of land is currently well-maintained and is considered to visually represent a residential garden, rather than agricultural field. Therefore the change of use of land to garden will have minimal effects on the visual amenities of the area.
- 8.10 A condition will be implemented on any subsequent approval to ensure the permitted development rights for buildings, structures and enclosures will be removed for this site. This is due to the fact the site is located in a semi-rural location. Policy PPL 3 of the Tendring District Local Plan states that the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance. This condition will allow the Council to maintain control over development and allow for the protection of the open character of this location, in the interests of visual amenities.

#### Impact on Residential Amenities

- 8.11 The NPPF, Paragraph 135, states that planning should always seek to secure a high standard of amenity for all existing and future occupants of land and buildings. In addition, Policy SP7 of the adopted local plan states that all development should protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022).
- 8.12 The proposed development is for a change of use of land to garden. The use of the land will therefore become residential in nature, any noise emitted from the site is thought to be consistent with that expected from a residential dwelling and therefore raises no cause for concern in terms of noise pollution / impact.

- 8.13 There are no immediate adjacent neighbouring dwellings to the site. The proposal is therefore considered acceptable in terms of its impact on residential amenities.

#### Heritage Assets

- 8.14 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest.
- 8.15 Paragraph 212 of the NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance
- 8.16 Policy PPL 9 of the Tendring District Local Plan states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric. Where a proposal will cause harm to a listed building the relevant paragraphs on the NPPF should be applied dependent on the level of harm caused.
- 8.17 The application site is within close proximity to a Grade II listed Milestone, located on the south verge approximately 100 metres east of the junction with Heath Road. The official list entry is as follows;
- 8.18 "ALRESFORD ST. OSYTH ROAD TM 02 SE  
3/19 Milestone on south verge approx. 100 metres east of junction with Heath Road
- II
  - Milestone. C19. Square plan tapering to cut off hipped top. The road face inscribed Parish of Alresford, left return inscribed 6 miles to Colchester, right return, 10 miles to Clacton on Sea. One of a series q.v. 3/15.
  - Listing NGR:TM0740021338
- 8.19 As this application is for the change of use of land to garden, and the land is currently well kept resembling that of a residential garden, with no proposed change to the boundary treatment and no proposed buildings / further development, the proposal is considered to have no impact on this heritage asset and its setting. Officers therefore deem the application acceptable in this regard.

#### Highway Safety

- 8.20 Paragraph 115 of the National Planning Policy Framework seeks to ensure that safe and suitable access to a development site can be achieved for all users. Whilst paragraph 109 requires that streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.
- 8.21 Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan states that planning permission will only be granted if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people.
- 8.22 The proposed development does not alter or reduce the existing parking arrangements at the site, nor does it cause a need for additional parking. The vehicular access to the site remains unchanged. Officers therefore consider the site to be acceptable in terms of highway safety.

#### Biodiversity and Ecology

### General duty on all authorities

- 8.23 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.
- 8.24 This development is subject to the general duty outlined above. An informative has been imposed 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

- 8.25 Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This application is for the change of use of land to residential garden. The applicants have provided a statement justifying why biodiversity net gain is not applicable in this instance. The statement notes that certain types of development for which planning permission is required are exempt from biodiversity net gain requirements and planning conditions. The development proposals for this application meets the following exemption criterion from the Biodiversity Gain Requirements (Exemptions) Regulations 2024:
- 8.26 De minimis exemption:

*4.—(1) The biodiversity gain planning condition does not apply in relation to planning permission for development which meets the first and second conditions.  
(2) The first condition is that the development does not impact an onsite priority habitat.  
(3) The second condition is that the development impacts—  
(a) less than 25 square metres of onsite habitat that has biodiversity value greater than zero; and  
(b) less than 5 metres in length of onsite linear habitat.*

The biodiversity gain planning condition does not apply to this change of use application because the proposal does not impact an onsite priority habitat. The proposal is small scale, involving the change of use of land to residential garden and no habitats would be lost or degraded. The grass has been regularly mowed since 2018 when the wider plot was divided from the main field with post and rail fencing. Therefore, less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat will be affected by the proposal.

- 8.27 Officers agree that as this application is for a change of use, where minimal to no development / works are required. The proposal will have minimal to no effects on the biodiversity of the site and the de minimis exemption is applicable here.

### Protected Species

- 8.28 In accordance with Natural England’s standing advice the proposed development site and surrounding habitat have been assessed for potential impacts on protected species. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

### BNG and Ecology Conclusion



- 8.29 In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

### Landscaping

- 8.30 Tendring District Council's Tree and Landscape Officer has been consulted on this application. their comments can be viewed in full above and have been summarised here. The Officer has stated the garden extension does not feature prominently in the landscape and is not overlooked from a public place, nevertheless the proposed change of use of the land from agriculture to garden would contribute to the gradual erosion of the countryside. Should planning permission be granted consideration should be given to the removal of permitted development rights to avoid the future erection of sheds, summerhouses or other buildings and so to retain, as far as possible, the semi-rural character of the area.
- 8.31 Officer response – the current application is for a change of use of land to garden, with no further proposed buildings / development to cause harm to the open rural character of the site and its locality. A condition will be implemented on any subsequent approval of the site removing the permitted development rights to further protect the open countryside.

## **9. Conclusion**

- 9.1 The proposed development is consistent with the above mentioned national and local planning policies. In the absence of material harm the proposal 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.

Block Plan - Received 17.03.2025

Site Plan - Received 17.03.2025

Boundary Treatment Plan - Received 23.04.2025

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 SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS BUILDINGS, STRUCTURES AND ENCLOSURES

CONDITION: Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification):- no garage, car port or any other building shall be erected except pursuant to the grant of planning permission on an application made in that regard.

REASON: To enable the Local Planning Authority to retain control over the development in the interests of the amenity of the locality and to safeguard local distinctiveness.

## 10.3 Informatives

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning

permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

#### Biodiversity Enhancements Informative

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

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

### **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/>.