

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|--|-----------------|-------------|
| Planning Officer recommendation: | MP | 12/06/2025 |
| EIA Development - Notify Planning Casework Unit of Decision: | N/A | |
| Pre-commencement condition agreement: | N/A | |
| Team Leader authorisation / sign off: | AN | 12/06/25 |
| Assistant Planner final checks and despatch: | ER | 12/06/2025 |

Application: 25/00368/FUL

Town / Parish: Mistley Parish Council

Applicant: Mr David McKay

Address: Post Office High Street Mistley

Development: Change of use from Post Office and associated alterations to facilitate use of building as part of Mistley Thorn Hotel (restaurant at ground floor and hotel rooms above).

1. Town / Parish Council

Mistley Parish Council

At its Planning Committee Meeting on the 28 April 2025 the Parish Council raised no objections to this proposal.

2. Consultation Responses

Essex County Council
Heritage
12.05.2025

The applications are for the change of use of the Post Office and the associated alterations to facilitate the new use of building as part of Mistley Thorn Hotel (restaurant at ground floor and rooms above). This proposal affects the following Designated Heritage Assets:
o Mistley Post Office & Thorn Hotel a Grade II Listed Building (List Entry No. 107493), and the
oManningtree and Mistley Conservation Area.

These further comments follow those dated the 2nd of April 2025, since then Internal Elevations, and amended External Elevations, Floorplans and Schedule of Works (SoW) have been submitted. The comments below address the additional works for each room as set out by the amended SoW.

Ground Floor - Restaurant

In principle there is no objection to the additional works proposed to expand the restaurant into this room, however, there is no support for the installation of a suspended ceiling using the specified SoundBloc (gypsum plasterboard) insulation, as this is a non-breathable material that is not considered to be compatible with the traditional construction of the Listed Building because it may give rise to the entrapment of moisture within the historic fabric.

Therefore, it is recommended that the acoustic insulation be amended to a breathable wood-wool based board, and that the precise details of the render mix to be applied to the walls and suspended ceiling is reserved for agreement by condition. Furthermore, as it is unclear what work would be involved in the making-good of the fireplace and having observed at the site visit that its opening is misshapen, the works to the fireplace should also be

reserved for agreement by condition, via the submission of large-scale elevational drawings of the fireplace showing how it is to be made-good.

Ground Floor - Hall

There are no objections in principle to the additional works proposed subject to the agreement by conditions of an appropriate render mix to be used, and the precise details of how the staircase is to be refurbished via the submission of large-scale elevational drawings showing the proposed design.

Ground Floor - WCs and Store

There are no objections to the additional works proposed to convert this room, but the same concerns in respect of the non-breathable insulation specified for the suspended ceiling applies.

Ground Floor - Bar

The amendment to the floorplan showing the retention of brick walling at a low-level between the existing Dining Room and Lobby is supported as this helps to reveal how the building has been evolved historically through different phases of extension. Again, there is no objection to the additional works proposed for the conversion of this space to a Bar area, subject to the amendment of the suspended ceiling insulation specification to an appropriate breathable material and the agreement by condition of the precise details for the blocking up of the later built chimney, via the submission of large-scale elevations and sections showing how the fireplace will be blocked and ventilated. The amended detail drawing 2136/24/03 C showing the new external doors is considered acceptable.

First Floor - Bedroom 1

The proposed installation of decorative architrave to the sash windows within this room is an enhancement to the room interior and is supported subject to a condition that this matches the design in terms of profile and detailing of the architrave surround to the sash windows within Bedrooms 2 and 3.

However, there is concern that the installation of the suspended ceiling within this room as per the build-up (230mm) of the detail drawing 2136/24/04 would undermine the reinstatement of the window surround, as it was observed during the site visit that there was limited height between the windows and existing ceiling.

Therefore, it is recommended that the detail drawing 2136/24/04 be omitted, and that a minimal build-up for the proposed suspended ceilings is agreed by condition via the submission of large-scale sections that account for differences in room interiors. This would also allow the agreement of an appropriate breathable form of insulation. The design of the new fire door for this room should also be agreed by condition via the submission of large-scale detailed drawings.

First Floor - Ensuites to Bedrooms 1 & 2

There are no objections to the additional works proposed for the conversion of this room to ensuites, subject to the agreement of a

minimal suspended ceiling build-up using appropriate materials.

First Floor - Bedroom 2

There are no objections to the additional works proposed for this room, subject to the agreement of a minimal suspended ceiling and internal wall lining build-up, using appropriate breathable materials that accounts for the sash window and its surround (following the omission of detail drawing 2136/24/04). Also, the design of the new fire door for this room should be agreed by condition via the submission of large-scale detailed drawings.

First Floor - Landing

There are no objections to the additional works proposed to the landing, subject to the agreement by condition of a suitable design for the new fire door via the submission of large-scale detailed drawings.

First Floor - Bedroom 3

There are no objections to the additional works proposed for this room, subject to the agreement of a minimal suspended ceiling and internal wall lining build-up, using appropriate breathable materials that accounts for the sash window and its surround (following the omission of detail drawing 2136/24/04). As well as a suitable design for the new fire door to this room.

First Floor - Hall (inner)

There is no objection to the installation of a new fire door within the inner hall, subject to agreement by condition of an appropriate design, it is suggested that a door with panelling be used.

Second Floor (Attic) - Bedroom 4

There are no objections to the additional works proposed for this room.

Second Floor (Attic) - Bedroom 5

There are no objections to the additional works proposed for this room. It has been evidenced that this work would reinstate a blocked doorway between the former post office and Mistley hotel attics (this was observed during the site visit where a door lining was visible and a wide gap in the skirting).

It should also be clarified by amendment of the proposed floorplans prior to determination, that the remnant of the oriel window structure protruding from this wall at a low-level will be retained.

Conclusions

Whilst suspended ceilings are not usually considered appropriate to install within historic room interiors, in this circumstance their use is acceptable given that there is a very limited amount of historic ceiling decoration such as cornices that would be covered over, and there is a justifiable need to provide sound dampening insulation for the new use (restaurant with hotel accommodation above).

The harm arising from the installation of the suspended ceilings is also considered to be outweighed by the heritage benefits of re-using the historic doors for ensembles, and the reinstatement of other architrave as a decorative surround to the sash windows. However, there is concern that the proposed build-up of the suspended ceiling has not accounted for the differences in room interiors, and that the 230mm build-up may not be able to be installed where there is limited height between the tops of the windows and the existing ceilings. It is therefore recommended that detail drawing 2136/24/04 be omitted, and that a minimal build-up using appropriate breathable materials is agreed by condition for the proposed suspended ceilings via the submission of large-scale sections that account for differences in room interiors. The use of the specified SoundBloc insulation is not acceptable as this is not a breathable material (formed from gypsum), a breathable material such as wood wool board should be used to prevent the entrapment of moisture within the historic fabric of the Listed Building.

Prior to the determination of the applications, it should also be clarified whether the (potentially unauthorised) re-lining works to the attic will be reversed, as it was noted during the site visit that the attic has been lined with modern plasterboard, insulation and expanding foam. These materials are not compatible with a building of traditional construction as they are of limited vapour permeability and increase the risk of interstitial condensation, which could result in the decay of historic roof timbers. It is unclear whether the use of these precise materials was agreed by a previous Listed Building Consent application. If not, they must be removed and replaced with materials that are compatible with the Listed Building's traditional construction, i.e. natural and breathable. This issue does not seem to have been addressed by the amended Schedule of Works.

Overall, the extent and detail of the proposed works to facilitate the change of use remains unclear, and as such it is difficult to understand the full impact of the proposal upon the significance of the Listed Building. With regards to the National Planning Policy Framework (NPPF), the proposal in its current state gives rise to less than substantial harm to the significance of the Listed Building (Mistley Post Office & Thorn Hotel). As such the balancing exercise of Paragraph 215 is engaged and the Local Planning Authority should weigh this harm against any public benefits that flow from the proposal including, where appropriate, securing its optimum viable use as per Paragraph 210 (a).

Whilst the scale of harm may be 'less than substantial', great weight should be given to the designated as per the direction of Paragraph 212, and Paragraph 213 requires that clear and convincing justification is provided for any level of harm to the designated heritage asset.

In respect of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal fails to preserve the special interest of the Listed Building, contrary to the expectations of Section 16(2) of the Act.

Were the modern-lining works to the attic proposed to be reversed under an amended Schedule of Works, an amended floorplan provided to clarify the retention of the remnant of the oriel window structure protruding from this wall at a low-level within Bedroom 5,

and the detail drawing 2136/24/04 omitted, and the applications to be approved the following conditions are recommended to agree the precise details of:

oBefore any works are commenced to the chimney/fireplace within the room to be used as part of the restaurant, detailed large-scale drawings of the chimney/fireplace and its surround to be made-good shall be submitted to and approved, in writing, by the Local Planning Authority and shall be implemented and completed as approved.

oBefore any works are commenced to the chimney/fireplace within the room to be used as the bar area, detailed large-scale drawings of the chimney/fireplace and its surround to be made-good shall be submitted to and approved, in writing, by the Local Planning Authority and shall be implemented and completed as approved.

oBefore any works to the walls and ceilings are commenced, details of the internal finish, insulation measures and a detailed cross section to scale of the proposed wall/ceiling structure (suspended ceilings and additional acoustic wall- linings) showing any sheathing and bracing, and how existing features of historic room interiors (such as window surrounds, cornices, and beams) have been accounted for, shall be submitted to and approved, in writing, by the Local Planning Authority and shall thereafter be implemented as approved.

oPrior to the installation of new fire doors within the Listed Building, detailed large appropriately scale drawings of the new fire doors to be used for the development, which shall include details of surrounds, materials, finishes, method of opening, glazing (if used), shall be submitted to and approved, in writing, by the Local Planning Authority and shall thereafter be entirely implemented as approved.

oBefore work begins for the rendering of internal walls, a specification for the internal render to be used shall be submitted to and approved in writing by the Local Planning Authority to define:

- mortar mix;
- the number of coats;
- finish and backing material; and,
- relationship to existing finishes and openings.

Thereafter the works shall be implemented as per the precise details approved.

oPrior to the commencement of any works to alter/refurbish the existing staircase detailed large scale (1:5, 1:10 or 1:20 scale) drawings of the staircase to be altered /refurbished shall be submitted to and approved, in writing, by the Local Planning Authority and shall be implemented and completed as approved.

oBefore work begins for the installation/alteration of building services, precise details of all new services (including fire systems, security systems, heating systems, electrics, lighting, plumbing, data cabling, fixings, pipe/conduit work routes and extraction ducts and vents), shall be submitted in the form of Proposed Building Services Plans and Elevations to and approved, in writing, by the Local Planning Authority and shall be implemented in their entirety as approved.

oNo new plumbing, pipes, soil-stacks, flues, vents or ductwork shall be fixed on the external faces of the building other than those shown on the Proposed Building Services Plans and Elevations.

oNo new grilles, security alarms, lighting (including security and emergency), security or other cameras or other fixtures shall be mounted on the external faces of the building other than those shown on the Proposed Building Services Plans and Elevations.

oThe works for the reinstatement of historic doorway openings within the restaurant and bedroom (SoW Ref. 1 and 17); creation of a new

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06.06.2025 (final
comments following
amended information)

doorways to the courtyard and fire escape (SoW Ref. 7 and 12); and the partial demolish of the internal walling within the bar area (SoW Ref. 6) shall be only carried out using hand-held tools (including those that are power-driven), unless otherwise agreed in writing with the Local Planning Authority.

Please do not hesitate to contact us if you have any queries in relation to this advice.

This proposal affects the following Designated Heritage Assets:
o Mistley Post Office & Thorn Hotel a Grade II Listed Building (List Entry No. 107493), and the
o Manningtree and Mistley Conservation Area.

These further comments follow those dated the 9th of May 2025, since then an amended Schedule of Works (SoW) and Floorplans have been submitted. The amendments include the:

- o omission of the standardised detail (Ceiling Detail A of drawing 2136/24/04) used for the proposed installation of new suspended ceilings,
- o removal of existing plasterboard and expanding foam from the walls and ceiling within the attic, and proposed replacement with a suitable natural and breathable replacement, and
- o retention of a remnant of oriel window structure protruding through floor and wall in the attic.

They have addressed all issues raised by the previous comments.

Whilst suspended ceilings are not usually appropriate to install within Listed Buildings, however, in these particular circumstances they would not have a detrimental impact upon the room interiors as they have lost most of their historic decorative detailing. Furthermore, the heritage benefits of the reinstatement of the architrave detailing lost from the sash windows will enhance the room interiors and outweigh the impact of the suspended ceilings. Consequently, the proposed works no longer give rise to harm to the significance of the Listed Building and are considered to secure an optimum use for the vacant Listed Building that was originally part of the hotel.

Therefore, there are no objections to this proposal subject to a condition to secure that the works are carried out in accordance with the SoW unless otherwise agreed in writing, and that a condition is used to agree prior to the installation of new suspended ceilings the precise details of their bespoke detailing for each room interior via the submission of large-scale cross-sections through the floor, ceiling and wall junctions that show clearly the fixing methods to be used and how the new ceilings will interact with historic/reinstate room features such as window and door surrounds and cornicing. It is also recommended that a condition requires the submission and approval of the design of the new architrave around the windows. A further condition should require the submission and approval of the new wall/ceiling build up in the attic following the removal of the modern plasterboard and expanding foam (as per the SoW).

Overall, the amended proposal is not in conflict with Chapter 16 of the National Planning Policy Framework (NPPF) or the relevant Sections 16(2), 66 (1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. For the avoidance of doubt the proposal is not considered to be harmful to the character and

appearance of the Conservation Area, or the setting of the neighbouring Listed Buildings. It is recommended that the conditions suggested by the previous comments dated the 9th of May 2025 be used.

Environmental Protection
14.03.2025

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

Construction Activities: In order to minimise potential nuisance caused by construction, Environmental Protection recommend that the following below is conditioned.

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

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

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

REASON: to protect the amenity of nearby residential dwellings

Internal Noise: Having consideration for the mixed commercial and residential use within this proposal, EP Team would recommend, should this application be approved, that compliance with relevant internal noise levels, such as those outlined in BS8233:2014 - Guidance on sound insulation and noise reduction for buildings - be implemented to ensure the proposal can meet relevant criteria in respect of internal noise levels.

REASON: to protect the amenity of future residents.

Essex County Council
Heritage
02.04.2025 (initial
comments)

Built Heritage Advice pertaining to a Listed Building Consent Application (25/00369/LBC) for alterations to facilitate use of building as part of Mistley Thorn Hotel, and a Full Planning Application for change of use from Post Office and associated alterations to facilitate the use of building as part of Mistley Thorn Hotel (restaurant at ground floor and room above).

This proposal affects the following Designated Heritage Assets:
oMistley Post Office & Thorn Hotel a Grade II Listed Building (List Entry No. 107493), and the
oManningtree and Mistley Conservation Area.

The Listed Building's significance is derived mainly from its special historic and architectural interest, having been built in 1724 as part of the planned development for a Model Maltings and Georgian Spa Resort associated to the local merchant Richard Rigby. As such, significance is also revealed by the Listed Building's setting, in the way that the hotel was built to front onto an area of public open space

where the Grade II Listed Swan Fountain (List Entry No. 1074956) is located as a focal point. The Listed Building features a painted brick façade detailed in the Regency style with a dentilled band under the parapet and pilasters. It is notable that small paned sash windows and a moulded six-panel door are present upon the Post Office side, and that this part of the building is in a poor state of repair.

It is acknowledged that this proposal has been supported by a Planning Statement (incorporating a Heritage Statement), the level of information provided for the application is considered sufficient to broadly understand the proposal's potential impact upon the affected heritage assets, and therefore meet the requirements of Paragraph 207 of the National Planning Policy Framework (NPPF). The Heritage Statement highlights that a Historic Building Recording Report was prepared for discharge of Condition 2 (22/01710/LBDISC) of the approved application 21/02089/LBC to extend and carry out internal and external alterations to the Listed Building, which identifies that the Post Office was rebuilt during the middle of the nineteenth century using reclaimed bricks and with new corner fireplaces.

Following a site visit on the 28th of March 2025, notes are provided below against each of the proposed alterations that are sought, as identified by the reference numbers of the Schedule of Works (SoW) stated upon the submitted drawing 2136/24/02 F and reproduced for ease of reference.

Ground Floor

(1) There is no objection to the creation of a new 1.5m wide opening within the wall separating the Restaurant from the Shop to facilitate expansion of the Restaurant use at Ground Floor. This is because there is evidence of a previous opening here where straight joints are found in the brickwork indicating a bricked-up doorway with queen closer bricks either side of the opening.

(2) There is no objection to the installation of new lightweight partition walling to create WCs within the existing Storeroom, on the basis that this work can easily be reversed and uses an already ancillary space for the introduction of new building services.

(3) The closing-off of the later built fireplace within the existing Dining Room (and cornered within the rooms at first floor level) is acceptable, subject to the agreement of precise detailing by condition to prevent the entrapment of moisture in the flue.

(4) There is no objection to the use of glass block to infill the existing window openings adjacent to the fire escape that is attached externally to the southeast facing side elevation of the later built extension to the Post Office, on the basis that this material is compatible with the surrounding historic fabric and has been used since the latter half of the nineteenth century (invented in 1886).

(5) As per the advice under (4).

(6) The removal of the brick walling to form a window opening between the existing Dining Room and Lobby is considered to give rise to less than substantial harm to the significance of the Listed Building, due to the loss of historic fabric which diminishes the appreciation the multiple phases of extension to the have occurred to the building, given that this wall was clearly once external. A revised scheme which results in the removal of less historic fabric may be acceptable, particularly considering the existing window is not of significance.

(7) Although there is no objection in principle to the creation of a new

1.5m wide opening within the rear external wall of the later built extension to the Listed Building, the use of canopy style trickle vents shown upon the Door Details Drawing (2136/24/03) is not supported and should be amended to remove the vents or, if absolutely necessary, to a vent concealed within the door head. The doors should have slimline double glazing.

First Floor

It is understood from discussions with the applicant on site that the doors to the new Bedrooms need to meet fire regulations and could require replacement, however, this is not included for in the SoW and therefore it should be confirmed prior to determination of the application whether this is proposed. The potential of upgrading the existing doors (the fitting of strips/brushes, intumescent paint, etc.) should be explored and reasons given if upgrades are not possible to achieve the necessary fireproofing.

(8) There would be no objection to the installation of a new door within the Front Bedroom to create an Ensuite. The reuse of the existing historic door was discussed on site, however, as noted above, the preference is for this to remain in situ. Instead, it is recommended that the new ensuite door is a 'hidden' jib door, so the spatial quality and appearance of the room is preserved. Precise details could be reserved by condition. There will be a small loss of historic fabric in the creation of the doorway.

(9) There is no objection to the installation of new lightweight partition walling to create Ensuites within the smallest of the existing Bedrooms, on the basis that this work can easily be reversed and the room is directly above the proposed WCs allowing for new building services to be well-contained.

(10) There is no objection to the refurbishment of the existing sash window (with graffiti to glazing), subject to the agreement via condition of the precise details for what that work will involve, an overall methodology detailing the approach to window repairs throughout can be agreed by condition.

(11) No objection, subject to the works being carried out as recommended for (8).

(12) The replacement of the later installed small paned window, with a new Fire Exit Door results in a small loss of historic fabric in the dropping of the cill. However, this window is a twentieth century replacement of no significance and is a poorly designed replacement of a sash window. The new door should be well-designed and detailed to improve on the appearance of the existing window. Precise details can be conditioned.

(13) No objection, subject to the agreement of the detailing of the door and confirmation on the construction of the stud walls and plumbing/fixtures to ensure this addition is reversible.

(14) There is no objection to the installation of a new door of sympathetic design within the existing hall, subject to agreement via condition of precise details through the submission of large-scale elevations and cross-sectional drawings through the proposed new door, including any surround.

Second Floor (Attics)

It was noted on site that the attic has been boarded with modern plasterboard, insulation and expanding foam. These materials are not compatible with a building of traditional construction as they are of

limited vapour permeability and increase the risk of interstitial condensation which could result in the decay of historic roof timbers. It is unclear whether the use of these precise materials was agreed under a previous Listed Building Consent application. If not, they must be removed and replaced with materials which are compatible with the building's traditional construction, i.e. natural and breathable.

(15) No objection, subject to the works being carried out as recommended for (13).

(16) No objection, subject to the works being carried out as recommended for (13).

(17) In principle there is no objection to the linking of the Front Attic Bedroom to the existing Attic accommodation of the Mistley Thorn Hotel, on the basis that the Building Recording Report submitted under the previous application identified evidence of a blocked doorway in the internal wall, but the full removal of the partition wall is not supported, because it is not known whether this work would result in the loss of historic timber framing, given that a remnant timber support for a removed oriel window was observed projecting through the existing partition wall during the site. As such, this work potentially gives rise to less than substantial harm. It is recommended that the width of the new opening in this wall is agreed following opening-up works to understand the construction of the wall and the presence of historic fabric.

Exterior

There is no objection to the proposed painting of the Post Office's rendered façade, moulded six-panel front door, and ground floor window grey to match the colours used for the Mistley Thorn Hotel.

Change of Use

There is no objection to the building change of use to become a Restaurant and Hotel, the proposed viable uses are considered to be compatible with the long-term conservation of the Listed Building.

Outstanding Information

It is recommended that a detailed room-by-room Schedule of Works for all proposed internal alterations, including any installation of acoustic insulation between floors, reinstatement of decorative detailing (such as the reinstatement architraves, dados and cornices based upon historic evidence), laying of new flooring, refurbishment of existing flooring, refurbishment of fireplaces and staircase repairs be invited prior to determination of the application so that the impact of the proposal upon the significance of the Listed Building is fully understood. Some outstanding works were discussed onsite and could offer potential enhancements to the significance of the Listed Building, which may balance out the harm arising from other works.

Whilst the Schedule of Works should indicate any proposed internal works, the detailed methodology for the works/repairs (including precise details of new timberwork etc.) could be reserved by condition.

In addition, the need to insert suspended ceilings to allow for sound insulation and fireproofing was discussed on site. Details (section drawings) of the proposed ceiling build-ups are required prior to

determination.

Conclusions

The extent and detail of the proposed works to facilitate the change of use is unclear, and as such it is difficult to understand the full impact of the proposal upon the significance of the Listed Building. With regards to the National Planning Policy Framework (NPPF), the proposal in its current state gives rise to less than substantial harm to the significance of the Listed Building (Mistley Post Office & Thorn Hotel). As such the balancing exercise of Paragraph 215 is engaged and the Local Planning Authority should weigh this harm against any public benefits that flow from the proposal including, where appropriate, securing its optimum viable use as per Paragraph 210 (a).

Whilst the scale of harm may be 'less than substantial', great weight should be given to the designated heritage asset's conservation as per the direction of Paragraph 212, and Paragraph 213 requires that clear and convincing justification is provided for any level of harm to the designated heritage asset.

In respect of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal fails to preserve the special interest of the Listed Building, contrary to the expectations of Section 16(2) and Section 66(1) of the Act.

However, as noted above, there is an opportunity to revise certain aspects of the scheme and to provide further information which may overcome existing concerns and result in an acceptable scheme.

ECC Highways Dept
10.06.2025

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. It is noted the Post Office closed in 2021 and the building was given consent in 2022 to alter the building and facilitate it's use as a residential dwelling. There are existing parking restrictions outside the building in the form of a bus Clearway Order, given the buildings previous use, it is not considered that the proposed changes would give rise to a significant increase in vehicle movements to and from the site particularly during the peak periods, or result in a material change in the character of the traffic in the vicinity of the site, considering these factors:

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

1. Any of the proposed works particularly to the external surface area directly abuts to the back of the footway. This is public highway, and the construction work must be carried out subject to arrangements made with the Development Management Team contact details in the informative at the foot of the page.

Reason: In the interests of highway safety in accordance with policy DM1.

2. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials shall be provided clear of the

highway.

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

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance and National Planning Policy Framework.

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

ii) No permanent part of a development shall overhang the highway.

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.

3. Planning History

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|-----------------|--|----------|------------|
| 21/02069/FUL | Single storey rear extension, internal and external alterations and part change of use from Post Office to residential | Approved | 04.03.2022 |
| 21/02089/LBC | Single storey rear extension, internal and external alterations | Approved | 04.03.2022 |
| 22/01709/DISCON | Discharge of condition 3 (Written Scheme of Investigation) of application 21/02069/FUL. | Approved | 29.11.2022 |

| | | | |
|-----------------|---|----------|------------|
| 22/01710/LBDISC | Discharge of condition 3 (Historic Building Recording) of application 21/02089/LBC. | Approved | 05.12.2022 |
| 25/00369/LBC | Application for Listed Building Consent - Alterations to facilitate use of building as part of Mistley Thorn Hotel. | Approved | 11.06.2025 |

4. 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.

5. 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.

6. Relevant Policies / Government Guidance

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)

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

PP8 Tourism

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL7 Archaeology

PPL8 Conservation Areas

PPL9 Listed Buildings
PPL10 Renewable Energy Generation and Energy efficiency Measures
CP1 Sustainable Transport and Accessibility
CP2 Improving the Transport Network
CP3 Improving the Telecommunications Network
DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents
Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)
Essex Design Guide

Local Planning Guidance
Essex County Council Car Parking Standards - Design and Good Practice

Manningtree and Mistley Conservation Area Character Appraisal and Management Plan

Officer Appraisal

Site Description

This application site relates to The Post Office, which is a Grade II Listed Building located on the south-western side of High Street, within the parish of Mistley. The site is currently vacant, having previously operated as a post office until operations ceased in 2021. Adjacent to the north-west is Mistley Thorn, which operates as a restaurant and hotel. The character of the area is heavily urbanised, with a mixture of residential and commercial uses. There are a number of Grade II Listed Buildings located in close proximity of the site, with Mistley Towers, a Scheduled Monument, sited further out to the north. The site also falls within the Manningtree and Mistley Conservation Area, as well as the Settlement Development Boundary for Mistley within the adopted Local Plan 2013-2033.

Description of Proposal

This application seeks planning permission for the change of use of the building from its current lawful use as a post office (Class E(a) and dwelling (class C3) to a mixed use of Class E(b) at ground floor and Class C1 at first/second floor. This is to facilitate an expansion of the Mistley Thorn, which would see an increased restaurant at ground floor, and an additional three bedrooms to the hotel at the upper floors.

Assessment

1. Principle of Development

Adopted Policy HP2 states that the loss or change of use of existing community or cultural facilities will be resisted unless:

b. replacement facilities are provided on site, or within the vicinity, which meet the need of the local population, or necessary services can be delivered from other facilities without leading to, or increasing, any shortfall in provision; or

c. it has been demonstrated that there is no longer a community need for the facility or demand for another community use on site.

The current lawful use of the site is as a post office, which is identified within Policy HP2 as a community facility. The supporting submission confirms that the post office use ceased trading in 2021 and has been vacant since that time. Officers acknowledge that there is an existing post office in Manningtree (approximately 0.7 miles to the west), which is sufficient to meet the needs of the local population. In addition, the proposed restaurant use at ground floor is also within Class E, and could therefore be undertaken without first requiring planning permission. Taking all of this into account, Officers do not object to the principle of development, subject to the more detailed considerations below.

Policy PP8 seeks to promote tourism within Tendring District whereby the policy states that the Council will generally support proposals that would help to improve the tourism appeal of the district to visitors subject to other relevant policies in the Local Plan. Policy PP8 also states 'to maintain and deliver a range of accommodation that meets the varying needs, demands and expectations of potential visitors to the Tendring District, proposals that involve the creation of visitor accommodation will be assessed based on policies set out in this Local Plan'.

The proposal also seeks to increase the existing hotel by an additional three bedrooms. In turn, this will provide minor economic benefits to the District through the small boost to the areas tourism offering. This involves loss of one dwelling, however the Council is in a strong housing supply position and therefore this raises no objection. Therefore, the principle of this element of the proposal is supported.

2. Heritage Impacts

The main consideration is the impact of the proposal on features of special architectural or historic interest and that the special character and appearance or setting of the building would be preserved or enhanced.

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.

Paragraph 212 of the National Planning Policy Framework (2025) states 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Section 1 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, although the Plan recognises that the scope for a listed building to adapt to modern life and requirements will itself depend upon a number of considerations and it will not always be possible to incorporate modern design solutions without also causing harm to its special character fabric, or appearance.

The application site is a Grade II Listed Building, within the Manningtree and Mistley Conservation Area, and there are also a number of other Grade II Listed Buildings within close proximity of the site. The proposal predominantly involves internal alterations to the building, which have separately been assessed within the determination of application 25/00369/LBC, however there are some external alterations as well. These include render painted grey, replacement of existing side elevation window with a new fire exit door, filling in of openings with glass blocks to the side elevation, and insertion of new timber doors to the rear elevation.

ECC Place Services (Heritage) have been consulted on the application, and initially identified a level of less than substantial harm to the significance of the Listed Building, however they suggested alterations to address the outstanding concerns. Following this, the agent for the application has provided amended drawings and a revised schedule of works. ECC Heritage, upon re-consultation, have provided the full comments detailed above, however have concluded the following:

"These further comments follow those dated the 9th of May 2025, since then an amended Schedule of Works (SoW) and Floorplans have been submitted. The amendments include the:

- omission of the standardised detail (Ceiling Detail A of drawing 2136/24/04) used for the proposed installation of new suspended ceilings,

- removal of existing plasterboard and expanding foam from the walls and ceiling within the attic, and proposed replacement with a suitable natural and breathable replacement, and
- retention of a remnant of oriel window structure protruding through floor and wall in the attic.

They have addressed all issues raised by the previous comments. Whilst suspended ceilings are not usually appropriate to install within Listed Buildings, however, in these particular circumstances they would not have a detrimental impact upon the room interiors as they have lost most of their historic decorative detailing. Furthermore, the heritage benefits of the reinstatement of the architrave detailing lost from the sash windows will enhance the room interiors and outweigh the impact of the suspended ceilings. Consequently, the proposed works no longer give rise to harm to the significance of the Listed Building and are considered to secure an optimum use for the vacant Listed Building that was originally part of the hotel.

Therefore, there are no objections to this proposal subject to a condition to secure that the works are carried out in accordance with the SoW unless otherwise agreed in writing, and that a condition is used to agree prior to the installation of new suspended ceilings the precise details of their bespoke detailing for each room interior via the submission of large-scale cross-sections through the floor, ceiling and wall junctions that show clearly the fixing methods to be used and how the new ceilings will interact with historic/reinstate room features such as window and door surrounds and cornicing. It is also recommended that a condition requires the submission and approval of the design of the new architrave around the windows. A further condition should require the submission and approval of the new wall/ceiling build up in the attic following the removal of the modern plasterboard and expanding foam (as per the SoW).

Overall, the amended proposal is not in conflict with Chapter 16 of the National Planning Policy Framework (NPPF) or the relevant Sections 16(2), 66 (1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. For the avoidance of doubt the proposal is not considered to be harmful to the character and appearance of the Conservation Area, or the setting of the neighbouring Listed Buildings. It is recommended that the conditions suggested by the previous comments dated the 9th of May 2025 be used."

The majority of the comments above are in relation to the internal alterations to the building and therefore do not form part of the assessment of this application and are separately secured under the LBC application. However, it is acknowledged that following the submission of amended plans, ECC Heritage have raised no objections, and therefore subject to conditions requesting precise details of external materials to be used, the proposal is acceptable in this regard.

3. Impact to Neighbouring Amenities

Paragraph 135 of the National Planning Policy Framework (2025) 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.

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.

There are a number of residential properties located within the surrounding area, however the proposal includes only minimal alterations to the existing building, none of which would result in any degree of harm to existing amenities. In addition, the use of the building is likely to attract a greater number of visitors to the wider Mistley Thorn site, however the current lawful use as a post office would equally attract a significant number of visitors, at a higher turnover as well. Therefore, on balance, the additional noise disturbances would not be to a significant level in comparison to the existing lawful use, and therefore no objections are raised.

4. Impacts to Highway Safety

Paragraph 115 of the National Planning Policy Framework (2025) seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 108 requires that streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places. Paragraph 116 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Essex Highways Authority have been consulted on the application and have confirmed that they acknowledge the Post Office closed in 2021 and the building was given consent in 2022 to alter the building and facilitate its use as a residential dwelling. Given the buildings previous use, it is not considered that the proposed changes would give rise to a significant increase in vehicle movements to and from the site, particularly during the peak periods, or result in a material change in the character of the traffic in the vicinity of the site. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable, subject to a condition relating to the storage of building materials.

Officers note that there is no additional parking provision, however equally acknowledge that there is a small area to the rear of the site that serves the existing restaurant/hotel. The proposed use results in a small expansion to the existing site, however the parking requirements for the previous post office use are considered to be far greater. Therefore, whilst it is unfortunate that there is limited parking provision, it is concluded that there is likely to be either a similar or lesser requirement following the proposed change of use, and therefore no objections are raised in this regard.

5. Renewable and Energy Conservation Measures

Policies PPL10 and SPL3, together, require consideration be given to renewable energy generation and conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy installations.

The proposal includes for a development that has the potential to incorporate renewable energy features; however, no details have been provided within the submission. On this occasion, given that the building is listed, the level of acceptable alterations would be limited, and it is also noted that the proposal includes only minor external alterations with no additional built form. Therefore, it would not be reasonable or necessary to include a condition requiring the submission of renewable energy details at a later stage on this occasion.

6. Ecology and Biodiversity

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

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.

The development on balance and with consideration of the impact of the development and baseline situation on site, does conserve and enhance biodiversity interests.

Biodiversity Net Gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals (excluding Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow). Given this proposal is for the change of use of an existing building with no extensions or loss of habitat, the proposal is exempt from BNG.

Protected Species

In accordance with Natural England's standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species.

In compliance with relevant wildlife legislation and planning policies, the development will adhere to best practices to protect and enhance the habitat for these protected species. Additionally, ongoing monitoring and adaptive management strategies will be conditioned and implemented as necessary including a detailed Protected Species Mitigation and Management Plan to ensure the continued protection of these species throughout the development process.

Biodiversity Conclusion

7. Planning Obligations - Recreational Disturbance Mitigation

Under the Habitat 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 these tests, which means that all residential development close to the protected sites must provide suitable mitigation.

The application scheme proposes the creation of three new bedrooms to the existing hotel. Advice provided by ECC Place Services (Ecology) informs that for such tourist accommodation, the tariff should be applied per six bedspaces. Given that the proposal would result in six additional bedspaces, by this logic a tariff for one additional unit is necessary on this occasion, however given that the proposal would also result in the loss of one dwelling, this balances out and therefore no contribution is required on this occasion.

Other Considerations

Mistley Parish Council has raised no objections.

There have been no other letters of representation received.

Conclusion

Whilst the proposal results in the loss of a community facility, there is adequate provision to serve the local population, and it would be permitted development to change the post office use to an extension to the restaurant. Accordingly, the principle of development is accepted. Further, ECC Heritage and ECC Highways have raised no objections, and there is not considered to be any impacts to neighbouring amenities. As such, the proposal aligns with local and national planning policies and is therefore recommended for approval.

7. Recommendation

Approval.

8. Conditions

- 1 **CONDITION:** The development hereby permitted shall be begun not later the expiration of

three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 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.

Drawing Numbers 2136/24/01 Revision E, 2136/24/02 Revision H, 2136/24/03 Revision C and the document titled 'Schedule of Works' received dated 19th May 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 CONDITION: Prior to the first occupation of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be retained thereafter and remain free of obstruction except for the

purpose of loading/unloading/reception and storage of materials and manoeuvring and used for no other purpose. Any other area within the site outlined in red not identified shall not be used as loading/unloading/reception and storage of materials and manoeuvring areas.

REASON: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety.

- 4 CONDITION: Prior to the commencement of development details of a 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 how construction and worker traffic and parking shall be managed.
- b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
- c) Storage of plant and materials used in the construction of the development.
- d) 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.
- e) 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.

The said methodology as may be approved shall be implemented in its entirety on commencement of development 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 in adverse harm on amenity.

- 5 CONDITION: No development/works shall be commenced above slab level until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.

REASON: To secure an orderly and well designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

9. Informatives

Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Biodiversity Enhancements Informative:

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

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

Highways 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

ii) No permanent part of a development shall overhang the highway.

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.

10. **Equality Impact Assessment**

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.

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.

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 |

11. **Notification of Decision**

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|---|--|----|
| Are there any letters to be sent to applicant / agent with the decision? If so please specify: | | NO |
| Are there any third parties to be informed of the decision? If so, please specify: | | NO |
| Has there been a declaration of interest made on this application? | | NO |