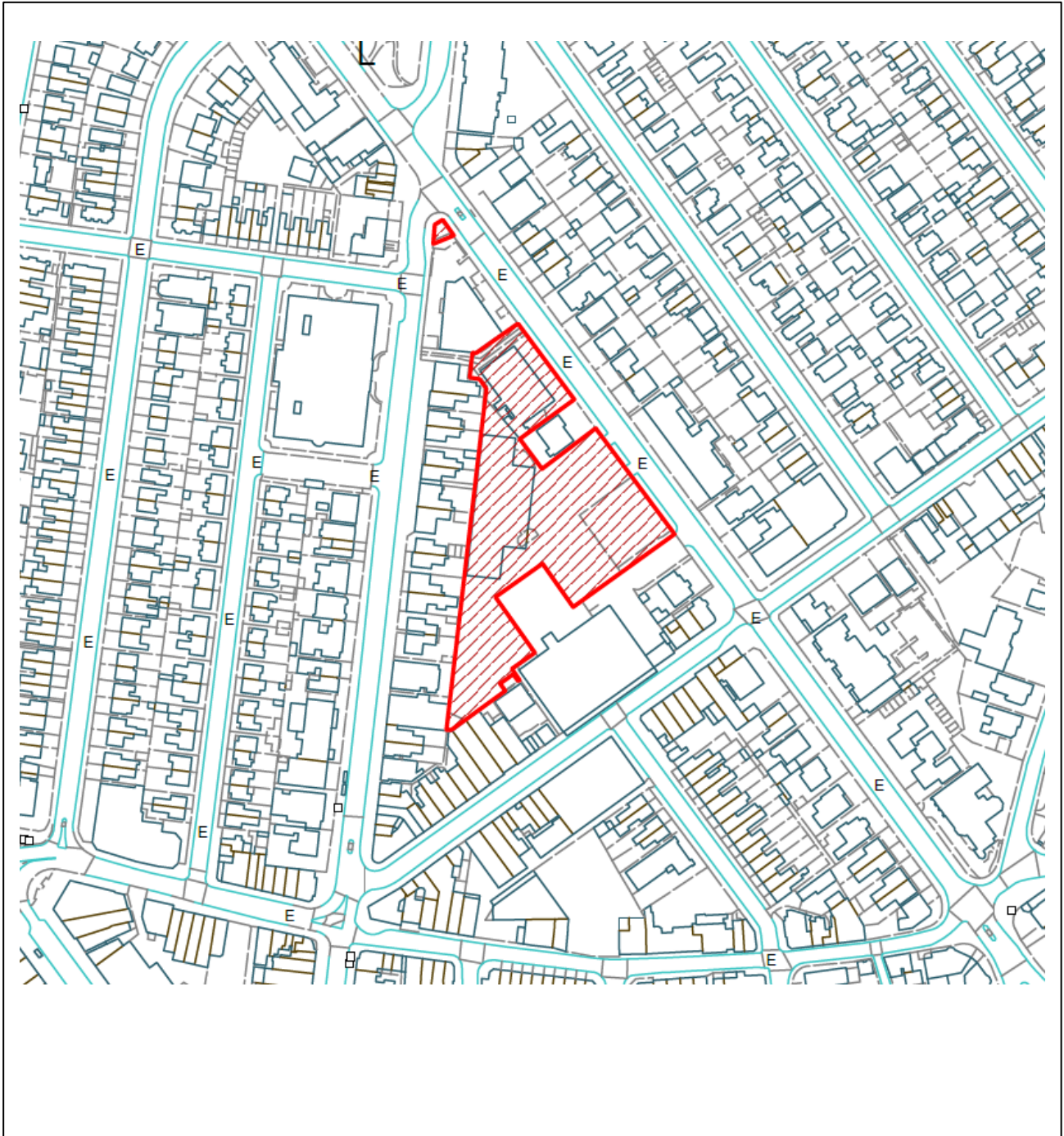


PLANNING COMMITTEE

8 JULY 2025

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

**A.3 - PLANNING APPLICATION – 24/01890/FUL – LAND AT HIGH STREET CAR PARK
CARNARVON ROAD CLACTON ON SEA CO15 6QF**



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Application:	24/01890/FUL	Expiry Date:	3rd April 2025
Case Officer:	Michael Pingram		
Town/ Parish:	Clacton Non Parished		
Applicant:	Tendring District Council		
Address:	Land at High Street Car Park Carnarvon Road Clacton On Sea Essex CO15 6QF		
Development:	Demolition of existing multi-story car park and clearance of site. Construction of replacement multi-story car park, 28no. residential (Class C3) apartments, and 5no. flexible units (Class E, F1, F2 and related Sui Generis uses).		

1. Executive Summary

- 1.1 The application is before members of the Planning Committee on the basis that the applicant and owner of the site is Tendring District Council. This application seeks the demolition of the existing multi-story car park and all other structures, to be replaced by a new multi-story car park providing 301 spaces, the erection of 28 affordable residential units and the erection of 1,330sqm of flexible commercial floorspace.
- 1.2 Since the resolution of approval subject to securing a s106 legal agreement for affordable housing provision and Biodiversity Net Gain by the Planning Committee in March 2025, it has not been possible to enter into a s106 legal agreement to secure the monitoring of the Biodiversity Net Gain. This is due to Tendring District Council being the landowner, and alternative arrangements between the applicant and legal services to secure the legal obligations have been agreed. To facilitate these agreements to achieve the same outcome as Planning Committee resolved in March 2025, a change in resolution is required. This includes a further planning condition requiring the submission of a 30 year Habitat Monitoring and Management Plan (HMMP) prior to the commencement of development.
- 1.3 All other elements of the proposed development remain exactly as per the report put before Members of the Planning Committee in March 2025.

Description of Proposal

- 1.4 This application seeks planning permission for the following works:
 - Demolition of the existing multi-story car park and all other structures, to be replaced by a new multi-story car park providing 301 parking spaces;
 - Erection of 28 residential units (14 x 1 bedroom units and 14 x 2 bedroom units) to the northern section of the site, with 11 units (40%) being affordable housing;
 - Creation of five flexible commercial civic/community units (1,330sqm) including Classes E, F1, F2 and Sui Generis, with one located on the ground floor of the residential building, one on the ground floor of the car park, and three on the land to the west of the site; and
 - New publicly accessible urban realm, including a range of hard and soft landscaping features.

Assessment Update

- 1.5 This application was previously put before Members of the Planning Committee on 4th March 2025 with a recommendation of approval. The report submitted at that time is attached as an appendix to this current report and this is to be relied upon as there are no changes or updates to the report

except regarding the recommendation. The Planning Committee resolved to approve the application subject to the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990, to secure affordable housing provision and Biodiversity Net Gain.

- 1.6 Since the resolution by the Planning Committee in March 2025, it has become clear that as Tendring District Council is the landowner, it has not been possible to enter into a legal agreement to secure Biodiversity Net Gain (BNG). This is because the delivery of the onsite habitat creation and enhancement works, and arrangements for its subsequent management and monitoring, requires approval by the Local Planning Authority through the discharge of the statutory BNG condition.
- 1.7 To address this outstanding matter, it is proposed to allow BNG to be completed solely through the use of planning conditions instead of a legal agreement. Condition 18 of the earlier report, which requires the submission of a biodiversity gain plan, is proposed to remain. However, it is now recommended to include one further condition requiring the submission of a 30 year Habitat Monitoring and Management Plan (HMMP) prior to the commencement of development. The full details of this condition are shown below at Condition 20, however will require details of features to be managed, ecological trends/constraints that may influence management, details of monitoring and a timetable, as well as reporting on specific years.
- 1.8 All other elements of the proposal remain exactly as per the report put before Members of the Planning Committee in March 2025.

2. **Recommendation**

- 2.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives and the prior completion of a section 106 legal agreement with the agreed Heads of Terms, for affordable housing. The additional proposed condition is added in **bold**.

Recommendation: Approval subject to securing Planning Obligations

1. On appropriate terms below and those as may be deemed necessary to the satisfaction of the Head of Planning and Building Control to secure the completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 dealing with the following matters:
 - Affordable Housing provision
 2. That the Head of Planning and Building Control be authorised to grant planning permission subject to the agreed section 106 agreement and conditions as stated at paragraph 2.2, 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,
 3. The informative notes as may be deemed necessary.
- Or;**
4. That in the event of the Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within 12 months that the Head of Planning and Building Control be authorised to refuse the application on appropriate grounds at their discretion.

2.2 **Conditions and Reasons**

- 1 **CONDITION:** The works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 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 9613-CPL-ZZ-ZZ-DR-A-08000 Revision P4, 9613-CPL-ZZ-ZZ-DR-A-08200 Revision P10, 9613-CPL-01-01-DR-A-08201 Revision P9, 9613-CPL-01-02-DR-A-08202 Revision P8, 9613-CPL-01-03-DR-A-08203 Revision P8, 9613-CPL-01-RF-DR-A-08204 Revision P8, 9613-CPL-01-ZZ-DR-A-08301 Revision P7, 9613-CPL-01-ZZ-DR-A-08400 Revision P7, 9613-CPL-01-ZZ-DR-A-08401 Revision P7, 9613-CPL-01-ZZ-DR-A-08600 Revision P5, 9613-CPL-01-ZZ-DR-A-08601 Revision P5, 9613-CPL-01-ZZ-DR-A-08602 Revision P5, 9613-CPL-01-ZZ-DR-A-08603 Revision P5, 9613-CPL-02-04-DR-A-08210 Revision P9, 9613-CPL-02-01-DR-A-08211 Revision P8, 9613-CPL-02-02-DR-A-08212 Revision P8, 9613-CPL-02-03-DR-A-08213 Revision P8, 9613-CPL-02-04-DR-A-08214 Revision P8, 9613-CPL-02-ZZ-DR-A-08311 Revision P6, 9613-CPL-02-ZZ-DR-A-08411 Revision P6, 9613-CPL-02-ZZ-DR-A-08412 Revision P6, 9613-CPL-03-05-DR-A-08225 Revision P6, 9613-CPL-03-ZZ-DR-A-08321 Revision P6, 9613-CPL-03-ZZ-DR-A-08322 Revision P6, 9613-CPL-03-ZZ-DR-A-08323 Revision P6, 9613-CPL-ZZ-ZZ-DR-A-08150 Revision P6, 9613-CPL-ZZ-ZZ-DR-A-08151 Revision P5, 9613-CPL-ZZ-ZZ-DR-A-08152 Revision P2, 2487-WWA-ZZ-ZZ-D-L-0101 Rev P05, 2487-WWA-ZZ-ZZ-D-L-0103 Rev P02, 2487-WWA-ZZ-ZZ-D-L-0104 Rev P04, 2487-WWA-ZZ-ZZ-D-L-0105 Rev P04, 2487-WWA-ZZ-ZZ-D-L-0106 Rev P04, 2487-WWA-ZZ-ZZ-D-L-0107 Rev P04, 2487-WWA-ZZ-ZZ-D-L-0301 Rev P05, 2487-WWA-ZZ-ZZ-D-L-0302 Rev P04, 2487-WWA-ZZ-ZZ-D-L-0704 Rev P01 and the documents titled 'Planning Statement', 'Tree Survey, Arboricultural Impact Assessment and Outline Method Statement', 'Interim Travel Plan', 'Transport Statement', 'Townscape and Visual Appraisal', 'Superfast Broadband Statement', 'Preliminary Ecological Appraisal', 'Energy Strategy Report', 'Design and Access Statement', 'Contaminated Land Risk Assessment', 'Sitewide Existing Demolition Plan'.

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

- 3 CONDITION: No development of each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) shall take place until;
- i) A strategy for investigating any contamination present on site has been submitted for approval, in writing, by the Local Planning Authority. Development on site, including demolition, may be carried out in order to fully investigate contamination prior to the submission of said strategy subject to agreement, in writing, by the Local Planning Authority and all other pre commencement conditions being agreed by the Local Planning Authority first.
 - ii) Following approval of the strategy, an investigation shall be carried out in accordance with the strategy and timescales as may be agreed.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors. This condition is required to be agreed prior to

the commencement of any development to ensure health and safety is secured early for both development and its construction including the health of all workers during all phases of construction. If agreement was sought at any later stage there is an unacceptable risk to health.

- 4 CONDITION: Prior to any works within each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) above slab level, a Noise Impact Assessment shall be submitted to, and agree in writing by, the Local Planning Authority. The details contained within this assessment shall thereafter be adhered to.

REASON: In the interest of the amenity of neighbouring residents.

- 5 CONDITION: Before any machinery/plant is first used on the development as hereby approved as part of this permission, it shall be enclosed with sound insulating material and mounted in a way which will minimise transmission of structure borne sound in accordance with a scheme to be approved, in writing, by the Local Planning Authority. The scheme shall thereafter been maintained as may be approved.

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

- 6 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 the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
- b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
- c) Details of how construction and worker traffic and parking shall be managed. This shall include the intended routing of HGV traffic on the surrounding road network, programme of restoration works to soft highway verges, and any directional signs to be installed and where.
- d) Details of any protection measures for footpaths and trees surrounding the site.
- e) Details of all access points to be used to access the site during construction only and any staging of provision.
- f) Details of the scheduled timing/phasing of development for the overall construction period.
- g) Details of measures to control the emission of dust and dirt during construction and including details of any wheel washing to be undertaken, management and location it is intended to take place.
- h) Details of the siting of any on site compounds and portaloo's.
- i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
- j) Site waste management plan (that shall include reuse and recycling of materials)
- k) Scheme for sustainable construction management to ensure effective water and energy use.
- l) Scheme of review of complaints from neighbours.
- m) Registration and details of a Considerate Constructors Scheme to be joined prior to the commencement of development, and confirmation of registration to be provided in writing to the LPA before the start of works, or similar scheme for which full details shall be provided and complied with
- n) Details on the provision, location and management of any show home/s or reception, including opening times, parking and advertisements (including flags and directional signs).

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

REASON: To minimise detriment to nearby residential and general amenity by controlling the

construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result in adverse harm on amenity.

- 7 CONDITION: All changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) of the development, or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

- 8 CONDITION: Prior to the first occupation of each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) of the hereby approved development, all mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Place Services, October 2024).

REASON: In order to safeguard protected wildlife species and their habitats in accordance with the NPPF and Habitats Regulations.

- 9 CONDITION: Prior to first occupation of each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) of the hereby approved development, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

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

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

REASON: To enhance protected and Priority species and habitats.

- 10 CONDITION: No development/works shall be commenced above slab level of each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) 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.

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

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

- 12 **CONDITION:** Full details of surface water drainage shall have been submitted to and approved, in writing, by the Local Planning Authority prior to the beginning of any works to the building/s it would serve are commenced. No part of the development shall be brought into use until the agreed method of surface water drainage has been fully installed and is functionally available for use. The surface water drainage scheme shall thereafter be maintained as approved.

REASON: To safeguard the ground water environment and minimise the risk of flooding.

- 13 **CONDITION:** Prior to first use of the access of each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152), visibility splays shall be provided with a minimum clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway, and shall then be retained in its approved form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

REASON: To ensure vehicles exiting the access would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action.

- 14 **CONDITION:** Prior to first occupation of each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) of the development, a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the hereby permitted vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

REASON: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

- 15 **CONDITION:** Prior to first use of the new access details of the stopping up of all other means of vehicular access within the frontage as shown on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The stopping up as approved shall be implemented in full prior to first use of the new access.

REASON: To ensure that an increase in accesses available does not increase in highway safety risk.

- 16 **CONDITION:** Prior to first occupation of each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) of the hereby approved development, the vehicle parking area indicated on the approved plans shall be hard surfaced and sealed. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed in writing with the Local Planning Authority.

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

- 17 **CONDITION:** Prior to first occupation of each dwelling, a Residential Travel Information Pack (travel pack) shall be provided to each dwelling for use of its first occupiers. The travel pack shall be agreed, in writing, by the Local planning authority prior to provision and shall include a minimum of six one day travel vouchers for use with a local transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

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

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

- 19 **CONDITION:** The hereby approved development shall not be first commenced until detailed proposals addressing the mitigation of the development's impact on protected Essex Habitats Sites have been submitted to and received written approval from the Local Planning Authority. Such proposals must provide and secure mitigation in accordance with the joint Habitats Regulations Assessment Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) or demonstrate mitigation measures of an equivalent effectiveness to the satisfactory of the Local Planning Authority. For any on site mitigation proposals approved, it shall be carried out in full prior to first occupation, and thereafter shall be maintained as approved.

REASON: In order to safeguard protected wildlife species and their habitats in accordance with the NPPF and Habitats Regulations. Failure to achieve satisfactory mitigation would result in harm by new residents due to the development's impact on protected sites meaning the development must mitigate the burden of development regardless of scale of impact.

- 20 **CONDITION:** No development shall take place until a 30 year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority and shall contain the following:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims, objectives and targets for management - links with local and national species and habitat action plans;
- d) Description of the management operations necessary to achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule, including annual works schedule;
- g) Details of the monitoring needed to measure the effectiveness of management;
- h) Details of the timetable for each element of the monitoring programme;
- i) Details of the persons responsible for the implementation and monitoring;
- j) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets;
- k) Reporting on year 1, 2, 3, 5, 7, 10, 15, 20, 25 and 30, with biodiversity reconciliation calculations at each stage.

The approved HMMP shall be strictly adhered to at all times and implemented in full for its

duration.

REASON: To enhance biodiversity in accordance with the National Planning Policy Framework and to achieve the Biodiversity Net Gain objectives set out in Schedule 7A of the Environment Act.

2.3 Informatives

Positive and Proactive Statement:

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

Highways Informatives:

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 must 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) The areas directly adjacent to the carriageway(s) in which trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway. In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

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

iv) In main urban areas with frequent and extensive public transport, cycling and walking links, the EPOA Parking Standards recommend that a reduced parking standard provision may be applied to residential developments. A reduced parking standard provision level can be applied to this proposal as it is located very close to regular public transport services and public car parking facilities.

v) 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.

vi) 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.

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>

3. **Additional Considerations**

Equality Impact Assessment

- 3.1 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.
- 3.2 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.
- 3.3 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

- 3.4 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.
- 3.5 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).
- 3.6 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

- 3.7 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.
- 3.8 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

4. Declaration of Interest

- 4.1 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.

5. Background Papers

- 5.1 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/>.