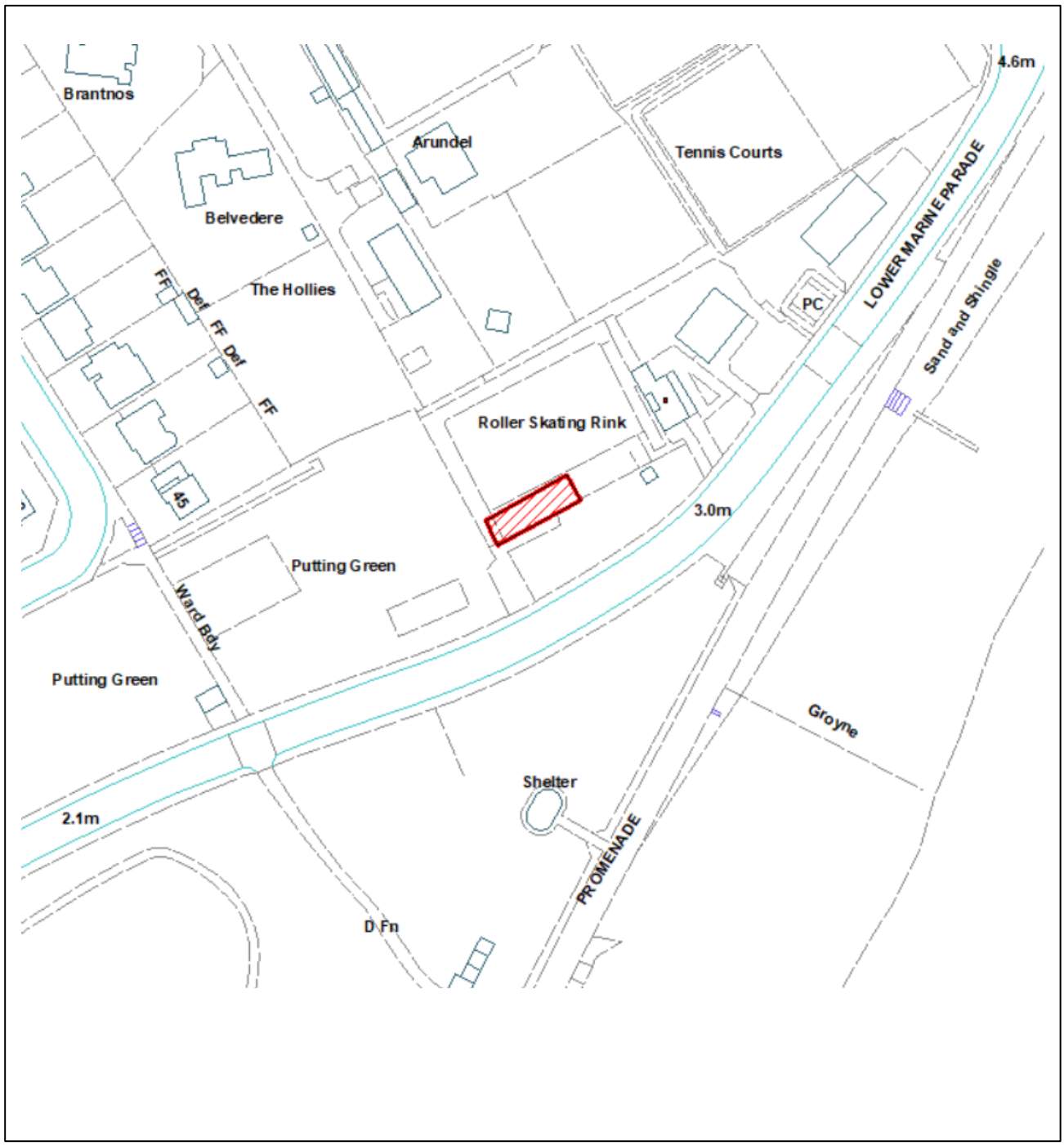
PLANNING COMMITTEE

02 SEPTEMBER 2025

REPORT OF THE CORPORATE DIRECTOR OF PLANNING AND COMMUNITY

A.2. PLANNING APPLICATION – 25/00483/FUL – THE LIGHTHOUSE LOWER MARINE PARADE DOVERCOURT HARWICH



DO NOT SCALE

Application:	25/00483/FUL	**Expiry Date:**	5th September 2025
Case Officer:	Alison Pope		
Town/ Parish:	Harwich Town Council		
Applicant:	Mrs Bridie Stanford		
Address:	The Lighthouse Lower Marine Parade Dovercourt Harwich Essex CO12 3ST		
Development:	Planning Application - change of use of land for siting of a single storey modular building for community use.		
Referral Reason:	TDC owned land		
Recommendation:	Full approval subject to conditions		

1. Executive Summary

1.1 The application seeks permission to change the use of part of the land used by The Lighthouse sports and social hub for the siting of a single storey modular building for community use. The new building will allow the expansion of the existing activities year-round and provides additional secure space for storage associated with the activities.

1.2 The proposal is not considered to be harmful to the character and appearance of the area, it will not result in any significant impact to neighbouring amenities, and it is acceptable in terms of flood risk.

2. Status of the Local Plan

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

3. Neighbourhood Plans

3.1 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

4. Planning Policy

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

National:
National Planning Policy Framework 2025 (NPPF)
National Planning Practice Guidance (NPPG)

Local:
Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (adopted January 2021)
SP 1 Presumption in Favour of Sustainable Development
SP 7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)
SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
HP2 Community Facilities
HP4 Safeguarded Open Space
PPL1 Development and Flood Risk
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
CP1 Sustainable Transport and Accessibility

Supplementary Planning Documents
Essex Parking Standards

5. Relevant Planning History

10/01103/FUL	Access ramps and roller shutter doors	Approved
91/0009/FUL	Formation of store and viewing area	Approved
HAR/40/63	Erection of pavilion and public shelter on site of skating rink	Approved
HAR/2/60	Erection of café and public conveniences	Approved

6. Consultations

6.1 The Council's Emergency Planning team were consulted on 17th June 2025 with no response received within the 21 day period.

7. Representations

7.1 Parish / Town Council

Harwich Town Council has no objection to this application

7.2 Neighbour/Local Representations

14 representations were received. One supported the proposal and 13 objected raising the following planning matters in the public interest (officer response in italics).

- Traffic congestion, parking and safety
- Impact on view from my house or garden
- Noise and disturbance from events

- Visually intrusive and visual impact on the street scene
- Loss of privacy
- Flooding and drainage

These matters will be addressed in the report.

8. Assessment

Site Context

8.1 The application site known as The Lighthouse, a sports and social hub is located on the Dovercourt seafront along Lower Marine Parade and forms part of the Safeguarded Open Space along the seafront. The Lighthouse site incorporates a single storey café with facilities and changing rooms, the surfaced roller skating rink and further hardstanding and grassed areas. The Lighthouse site has pedestrian access only directly from Lower Marine Parade.

8.2 The site lies outside of any settlement development boundary also lying within flood zones 2 and 3.

Proposal

8.3 The application seeks planning permission to change the use of part of the land used by The Lighthouse sports and social hub for the siting of a single storey modular building for community use. The building will be sited on existing hardstanding to the south of the skating rink, a distance of approximately 3.4 metres from the western boundary of the site. The building itself will be set on anchored jackpads (foundation system) removing the need for groundworks for traditional foundations.

8.4 The applicant runs a registered Community Interest Company (CIC) called Family Activities Community Engagement Support UK CIC (FACESUKCIC) which operates from the site and works in conjunction with Active Essex and Essex County Council to offer low cost and free activities. The new building will allow the expansion of the existing activities year-round and provides additional secure space for storage associated with the activities. A marquee has been in use more recently however that is a temporary measure which is liable to damage in severe weather and does not provide a secure location with facilities.

Principle of Development

8.5 Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). The 'development plan' for Tendring comprises, the Tendring District Local Plan 2013-2033 and Beyond Section 1 adopted in January 2021 and the Tendring District Local Plan 2013-2033 and Beyond Section 2 adopted in January 2022.

8.6 The application site is designated as Safeguarded Open Space in the Local Plan and the designation will not change as a result of this planning application. The Lighthouse site is already in a community use and consists of amenity green space, outdoor sports facilities (roller skating rink) and provision for children and young people (Active Essex and Essex County Council) representative of its designation in the Local Plan. It is important to provide a balance between different types of open space in order to meet local needs, and this site is considered to provide this. The community use of the site is proposed to continue with the addition of the modular building to expand the activities on offer. The principle of development is acceptable in this case as weight is attached to the established use of the site as a community facility which is well placed and easily accessible to the local towns of Parkeston, Harwich and Dovercourt.

Scale, Layout & Appearance

8.7 The proposed building will be sited on existing hardstanding to the south of the roller skating rink and a distance of approximately 3.4 metres from the western boundary of the site. Two small ramps will allow access to the building. The building is constructed of steel and finished in grey however it is proposed to clad the building and finish it in blue to match the existing café building. The building measures 18.195 metres by 4.885 metres with an overall flat roof height of 2.991 metres. The building will be set back from Lower Marine Parade by approximately 16 metres. Exact details of the external finish of the building and the details of the ramps and any railings will be secured by condition on the grant of planning permission.

8.8 The building will be clearly visible from Lower Marine Parade, surrounding streets and the nearest residential properties however its siting and close connection to the existing café building, and single storey nature represents a seaside aesthetic which will assimilate with the site. The blue is distinct and is likened to a beach hut structure albeit larger, but which will rejuvenate the site and therefore it is considered that the building would not result in any material visual harm or landscape impacts. The 'Putting Green' open space to the west of The Lighthouse site will remain unchanged.

Highway Safety, Accessibility and Parking

8.9 Paragraph 115 of the NPPF 2024 requires Councils, when making decisions to ensure:

- appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

8.10 Paragraph 116 goes onto to say, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

8.11 Local Plan Policy CP1 states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion. Local Plan Policy SPL3 Part B seeks to ensure that access to a new development site is practicable, and the highway network will be able to safely accommodate the additional traffic the proposal will generate.

8.12 The site does not benefit from its own parking provision however the site is defined in the Essex Parking Standards as an area of high connectivity indicating easy accessibility via public transport, walking and cycling by way of its location along the seafront in Dovercourt. The lack of off road car parking on the site is not considered a reason to refuse the change of use of land for siting of a single storey modular building where it is likely that many people who visit will live locally and will make use of public or sustainable transport.

8.13 The site will continue to operate as a community use with the proposal to increase the number of full-time employees by three. Although the site does not benefit from its own off-street parking there is ample on road unrestricted parking on the opposite side of Lower Marine Parade and a nearby Tendring District Council car park. Lower Marine Parade has the advantage of footpaths on both sides of the road, and a zebra crossing is located a distance of 35 metres from The Lighthouse site.

8.14 The proposed development will not considerably heighten the demand for parking and since no new vehicular or pedestrian access is proposed, the effects on highways and parking are not regarded

as significant.

Impact on Residential Amenity

8.15 There would be no significant or unacceptable loss of light, privacy or outlook on neighbouring residential properties as a result of the siting of the building given its low height and position on the site. The closest residential property to the application site is The Hollies located to the north west. The site of the proposed building is a distance of 28.4 metres to the northern boundary of The Lighthouse site shared with the rear boundary of The Hollies and a distance of 48.2 metres to the rear elevation of the dwelling of The Hollies.

8.16 It is considered that the potential impacts of the use of the building, in terms of noise and disturbance given the type of community use will not be significantly different to that of the existing site use. The Lighthouse site is not currently restricted by planning condition in terms of operating hours however it is authorised by a premises licence, unrelated to planning legislation, for certain activities during certain time periods which controls live music, recorded music and sale of alcohol amongst other things. Noise concerns have been raised by local residents, however the remedy of such concerns are subject to separate legislation and would represent a matter for the Council's Environmental Protection team to investigate.

8.17 Taking into account the proposal as submitted it is considered reasonable and necessary to impose a condition on the grant of planning permission to restrict the hours of use of the building to 9.00am to 10.00pm Monday to Sunday including Bank Holidays, to protect the amenity of neighbouring residential properties and avoid conflict with the existing use of the site.

Drainage and Sewerage

8.18 Policy PPL5 states that all new development must make adequate provision for drainage and sewerage.

8.19 Paragraph 187e) of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, Paragraph 198 of the Framework states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment.

8.20 Paragraph: 020 of the National Planning Policy Guidance (PPG) states that where a connection to a public sewage treatment plant is not feasible a package sewage treatment plant can be considered. The package sewage treatment plant must comply with the Small sewage discharges in England: general binding rules 2015 (GBR), or a permit will be required. Package sewage treatment plants may only be considered if it can be clearly demonstrated by the applicant that discharging into a public sewer is not feasible (taking into account cost and/or practicability and whether the package treatment plant poses a risk to a designated site) in accordance with Approved Document H of the Building Regulations 2010.

8.21 Policy PPL5 of Section 2 of the Adopted Local Plan states that all new development must make adequate provision for drainage and sewerage. Private sewage treatment facilities will not permitted if there is an accessible public foul sewer. Where private sewage treatment facilities are the only practical option for sewage disposal, they will only be permitted where there would be no harm to the environment, having regard to preventing pollution of groundwater and any watercourses and odour.

8.22 In relation to non-mains drainage from non-major development the Environment Agency's advice is that to comply with the Framework and PPG on foul drainage matters, a Local Planning Authority (LPA) needs to be satisfied that foul drainage can be provided without adverse impact on the environment. This requires ensuring that both those environmental risks outside of the control of the

permit and the relevant considerations in the PPG are addressed. The LPA should also be mindful that the developer will need to address foul drainage matters to get their environmental permit and meet building control regulations. Therefore, they should be confident that it is likely that any necessary permits and approvals can be successfully obtained.

8.23 The Foul Sewage section of the application form states that it is not intended to connect to a mains sewer. Instead, foul sewage will be disposed of by a septic tank; the declaration implies that a mains connection is not possible. The Environment Agency sequential approach to non mains drainage would however prefer the use of a package treatment plant over a septic tank or cess pool if a connection to mains sewer is not possible.

8.24 In considering the acceptability of the proposed non-mains drainage, there is no mains sewer along this section of Lower Marine Parade. The site is not close to any designated site of importance to biodiversity, nor is it located within close proximity to any watercourse. The site is not located within a Drinking Water Safeguard Zone or Source Protection Zone 1, and the site is sufficiently large enough to accommodate a soakaway. Furthermore, flows from the use of single building would be low. Taking all these factors into account, and the absence of a mains connection in close proximity to the site, a condition will be imposed on the grant of planning permission to secure details of an adequate foul drainage system in the interest of preventing pollution or causing nuisance.

8.25 The proposal is considered a minor development where there is no requirement to consult Essex County Council for sustainable drainage planning advice. Sustainable Drainage Systems (SuDS) are designed to replicate natural drainage systems, to drain surface water run-off, infiltration within the site, however it is noted that existing surface water drainage pipes run under the site and the application form indicates that this will be utilised subject to the appropriate water company agreement.

Flood Risk

8.26 Paragraph 176 of the NPPF states that applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments (FRA). Footnote 63 confirms that a site-specific FRA should be provided for all development in Flood Zones 2 and 3.

8.27 The planning practice guidance and footnote 62 of the NPPF also states that the Sequential and Exception Tests do not need to be applied to minor developments and changes of use, except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site.

8.28 The proposal is for a change of use of part of The Lighthouse site to site a single storey modular building for community use within Flood Zones 2 and 3. The proposal does not involve a change of use to a caravan, camping or chalet site, or to a mobile home or park home site and therefore the sequential and exception tests are not required, however an FRA has been submitted.

8.29 The proposed use of the building is for community activities and storage and is classed as ‘less vulnerable’ according to Annex 3: Flood risk vulnerability classification of the National Planning Policy Framework.

8.30 In Flood Zone 2 standing advice for vulnerable developments should be followed for developments (including change of use) that will have a vulnerability classification of ‘less vulnerable’ and is not a waste treatment site, mineral processing site, water treatment plant, or sewage treatment plant.

8.31 In Flood Zone 3, the Environment Agency should be consulted in the case of changes of use where the vulnerability classification will be ‘more vulnerable’ or ‘highly vulnerable’ or change from ‘water compatible’ to ‘less vulnerable’.

8.32 The FRA is considered appropriate to the scale, nature and location of the development and

proportionate to the degree of flood risk.

8.33 The FRA confirms that the site benefits from raised walls along the seafront in this location however flooding across the ground floor would occur during the present day 1 in 1000 year event and climate change 1 in 200/1000 year event. The flooding level is such that it would not be possible to raise the floor levels of the building above the design flood level which at worst case scenario could be 5.72 metres AOD.

8.34 Paragraph 069 of the NPPF Planning Practice Guidance continues to state that resistance and resilience measures are unlikely to be suitable as the only mitigation measure to manage flood risk, but they may be suitable in some circumstances, such as: water-compatible and less vulnerable uses where temporary disruption is acceptable and the development remains safe as in this case.

8.35 The FRA recommends resistance and resilience measures in the event of a flood:

- A water entry strategy will be adopted
- A flood warning and evacuation plan will provide guidance on emergency response procedures in the event of flooding to the site
- The Flood Warning Service operated by the Environment Agency should be used

8.36 A planning condition is necessary and reasonable on the grant of planning permission requiring the proposed building to be anchored down to mitigate hazard during a flood.

8.37 The principle of the proposed change of use for the siting of storage containers is acceptable from a flood risk perspective.

8.38 It is considered that the proposed use of the building which does not include any habitable space and will be used by the Community Interest Company during the operating hours only is acceptable in this location.

Ecology and Biodiversity

General duty on all authorities

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

8.40 This development is subject to the general duty outlined above. An informative has been imposed strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Therefore the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

Biodiversity net gain

8.41 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).

8.42 The change of use of the land here for the siting of the building is an area of tarmac considered as under the threshold (de minimis) and therefore this development is not applicable for Biodiversity Net Gain.

Protected Species

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

Ecology - Conclusion

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

9. Conclusion

9.1 The application proposes the change of use of part of The Lighthouse site to site a modular single storey building for community use. The proposal is not considered to be harmful to the character and appearance of the area, it will not result in any significant impact to neighbouring amenities, and it is acceptable in terms of flood risk. Accordingly, the application is recommended for approval.

10. Recommendation

10.1 Approval (no S106 requirements)

Recommendation: Approval

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

The informative notes as may be deemed necessary.

10.2 Conditions and Reasons

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.

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

NOTE/S FOR CONDITION:

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

conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

The approved red line plan drawing is Dwg No 0514/PL/04 received 20 March 2025
Dwg No 0514/PL/01
Dwg No 0514/PL/03
Design Access Statement

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

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

3 SPECIFIC RESTRICTION ON DEVELOPMENT: RESTRICTION ON CHANGES OF USE

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2 Part 3 of the Town & Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking and re-enacting that Order with or without modification), the hereby approved development shall be used for community uses, examples of which are detailed in the Design Access Statement at paragraph 1.3 and for no other purpose including any other purpose in Class F2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument and re-enacting that

Order with or without modification).

REASON: To enable the Local Planning Authority to retain control over the development in the interests of the amenity.

4 ONGOING REQUIREMENT IMPOSED - RESTRICTION ON OPERATION TIMES

CONDITION: The hereby permitted community use of the building shall only operate between the hours of 9.00am and 10.00pm Monday to Sunday including Bank Holidays.

REASON: To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

NOTE/S FOR CONDITION:

1) This condition shall engage and restricts the operation of the development from the first commencement of the use. This condition is imposed to ensure the development avoid unreasonable impact on the residential amenity of neighbouring dwellings, especially given the location of the development with considerations to the prevailing character and amenity currently enjoyed in this location. Without the imposing of this condition, the development would be refused due to the risk of harm and this condition is considered necessary, enforceable and reasonable in all other respects. This condition as detailed will apply to the development at all times unless varied or removed legally.

2) If the development operates outside of the hours stated this may result in unlawful development/use at risk of Enforcement Action. You are encouraged to discuss any concerns with this condition with the Local Planning Authority.

5 ACTION REQUIRED: FLOOD RISK

CONDITION: The flood risk mitigation measures and flood evacuation plan as detailed in the FLOOD RISK ASSESSMENT REPORT REF: 3824/RE/07-25/01 dated JULY 2025 and received 7 July 2025 and the Flood Warning and Evacuation Plan received 17 June 2025 shall be implemented and thereafter retained and in place at all times.

REASON: To provide additional safety measures to users of the building in an area liable to flooding.

6 FURTHER APPROVAL: FLOOD RISK

CONDITION: The new building for the use hereby approved, shall be anchored to the ground in accordance with details that shall have first been approved, in writing, by the local planning authority. The approved method for anchoring the building to the ground shall then be retained in perpetuity.

REASON: To provide additional safety measures in the event of a flood in the interest of public safety.

7 FURTHER APPROVAL: FOUL DRAINAGE

CONDITION: Prior to installation of foul drainage to serve the new building for the use hereby approved, details of the foul drainage system shall have first been approved, in writing, by the local planning authority. The foul drainage system shall be carried out and retained as may be approved.

REASON: To provide an adequate foul drainage system in the interest of preventing pollution

or causing nuisance arising from a non-mains drainage system.

8 FURTHER APPROVAL: AGREEMENT OF MATERIALS

CONDITION: No works shall be commenced above slab level until precise details of the manufacturer and types and colours of the external facing 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 in the interests of visual amenity and the character and appearance of the area.

NOTE/S FOR CONDITION:

Slab level is normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

While this condition does not detail in what form the materials sought shall be detailed to the Local Planning Authority, it is suggested that a plan is submitted with the details to show where the materials will be located and the extent of coverage.

9 FURTHER APPROVAL: RAMP AND RAILING DETAILS

CONDITION: Prior to the commencement of works to the ramps and associated railings, details of the ramps and railings which include elevations and proposed surface and railing materials shall be submitted to and approved in writing by the Local Planning Authority. The ramps and railings as may be agreed shall be those used in the development and fully constructed prior to the first use/occupation.

REASON: To secure an orderly, safe and well designed finish in the interests of visual amenity and the character and appearance of the area.

10.3 Informatives

Positive and Proactive Statement

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

Biodiversity Enhancement Informative

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include: https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden

11. Additional Considerations

Equality Impact Assessment

11.1 In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

11.2 It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

11.3 In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Human Rights

11.4 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.

11.5 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).

11.6 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

11.7 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.

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

12. Declaration of Interest

12.1 Please refer to the minutes of this meeting, which are typically available on the councils website which will be published in due course following conclusion of this meeting.

13. Background Papers

13.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link https://idox.tendringdc.gov.uk/online-applications/.