

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	BB	15/05/2024
Team Leader authorisation / sign off:	ML	16/05/2024
Assistant Planner final checks and despatch:	ER	17/05/2024

**Application:** 24/00106/FULHH **Town / Parish:** Ardleigh Parish Council

**Applicant:** Mr Paul Molyneux

**Address:** 21 Ardleigh Court Ardleigh Colchester

**Development:** Replacement of existing flat roof with similar new covering and 140mm of insulation. Roof surround to be increased in height using same materials as the existing roof - black painted timber with aluminium edging. Overall roof height will increase by 140mm. In addition solar panels will be mounted on roof.

### 1. Town / Parish Council

Ardleigh Parish Council have submitted no comments

### 2. Consultation Responses

Not Applicable

### 3. Planning History

01/01283/TCA	Remove 7 Leylandii trees	Approved	07.09.2001
01/01284/TPO	Removal of part of dying branch on Oak tree	Approved	06.09.2001
02/00730/TCA	Selective topping and cutting 20/25% reduction	Approved	06.09.2002
04/01930/FUL	To demolish existing conservatory to form new kitchen area. To remove existing glazed canopy and reform with new pitch.	Approved	26.11.2004
18/01881/TCA	1 No. Sycamore - Fell and replace with 1 No. Laburnum. 1 No. Oak - Removal of 3 lower branches.	Approved	03.12.2018
18/01930/TCA	1 No. Conifer - Fell.	Approved	17.12.2018
21/01506/TCA	1 No. Prunus lusitanica - Fell and grind stump, 1 No. Camelia - maintain.	Approved	28.09.2021
23/01651/TCA	Fell and stump grind - 1no. Scots Pine and 1no. Rowan.	Approved	22.12.2023

23/01652/WTREX	Fell and stump grind - 1no. Beech, 1no. Sycamore and 1no. White Beam.	Approved	21.11.2023
24/00106/FULHH	Replacement of existing flat roof with similar new covering and 140mm of insulation. Roof surround to be increased in height using same materials as the existing roof - black painted timber with aluminium edging. Overall roof height will increase by 140mm. In addition solar panels will be mounted on roof.	Current	

#### 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>

Ardleigh Parish Council is working on a Neighbourhood Plan (NP), the plan is in its very early stages and only in draft form and is therefore only of very limited weight in the assessment of this application. Furthermore, there are unresolved issues from the Planning Inspector, so this gives it further reduced weight at this time.

#### 6. **Relevant Policies / Government Guidance**

##### **National:**

National Planning Policy Framework December 2023 ([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

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL8 Conservation Areas

## **7. Officer Appraisal (including Site Description and Proposal)**

### Application Site

The application site is located north off a cul-de-sac off of Ardleigh Court and consists of a single storey detached dwelling which faces east. The site is set back from the highway and is enclosed by tall mature vegetation on all sides. The site as a whole is situated within the Conservation Area for Ardleigh, whilst only the southern portion of the site, which includes the dwelling, is located inside the Settlement Development Boundary for Ardleigh.

### Proposal

This application seeks planning permission to increase the overall height of the dwelling to facilitate the installation of insulation and to install solar panels on the roof.

### Assessment

The key considerations of this application will be Design and Appearance, Impact upon the Neighbours, Heritage Impact and Other Considerations.

### Design and Appearance

The proposal involves removing the existing flat roof, installing insulation and erecting a new flat roof. This will result in an increase of the dwellings overall height from 3.1m to 3.4m. The new roof will be constructed from black painted timber with aluminium edging which matches the materials used in the existing roof. This will help tie the development significantly reducing the potential harm the proposal may have upon on the visual amenities of the area.

19 no. solar panels are also to be installed on the new flat roof with the majority being sited to the right-hand side (east). Each panel will have an overall height of 0.22m with a maximum combined width of 14.5m and a maximum combined depth of 9.5m. Whilst visible, the modest height of the solar panels is not considered to detract from overall appearance of the dwelling which has a rather squat and blocky aesthetic.

As a result of the dwelling being set back within the site, its modest height and the screening provided by the existing tall mature hedgerow/vegetation, the proposed works will not be visible to the streetscene

### Impact to Neighbours

Due to the site's location the dwelling known as 18 Ardleigh Court would be the only neighbouring property impacted by the proposal. The neighbouring property is sited directly on the shared boundary and has a distinct lack of openings on its northern facing side elevation. Further, the existing tall boundary treatment and a separation distance of 10m between the two dwellings will result in the proposal posing no detrimental impact to the neighbouring properties outlook, light or privacy.

### Heritage Impact

The application site is located within the Ardleigh Conservation Area and within vicinity of two Grade II Listed Heritage Asset known as The Vicarage and Church of St Mary, both of which are of significant importance.

Whilst it is customary to consult Essex County Council's Heritage Department (Place Services) when a proposal could affect a heritage asset or its setting, the new roof will be constructed from materials which match the host dwelling greatly reducing the visual impact it may pose upon the special character of the area. Further, the separation distance of 120m from the application site to the closest Listed Building would result in the proposal posing no detrimental harm to the setting of the heritage asset and as such it's been considered there is no need to consult Essex County Council's Heritage Department.

On this basis, the proposal is considered to preserve the setting of the two Listed Building in addition to the Conservation Area.

#### Other considerations

Ardleigh Parish Council have submitted no comments.

No letters of representation have been received.

#### Conclusion

The proposed development is consistent with the above mentioned national and local planning policies. In the absence of material harm, the proposal is recommended for approval.

### **Ecology and Biodiversity**

#### 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.

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

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Development 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). This proposal is not therefore applicable for Biodiversity Net Gain.

#### Protected Species

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.

## Conclusion

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.

## **8. Recommendation**

Approval - Full

## **9. Conditions**

### 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.

Drawing No. 1356.L.001

Drawing No. 1356.L.002

Drawing No. 1356.L.011(B)

Document titled; Bauderflex Roof System Specifications – Rec'd 18.03.2024

Document titled; Solar Panel Specification – Rec'd 18.03.2024

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.

## 10. 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.

### Ecology 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. 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

**12. Notification of Decision**

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	YES	<b><u>NO</u></b>
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	<b><u>NO</u></b>