

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		AP	04/06/2024
EIA Development - Notify Planning Casework Unit of Decision:	YES / NO	JJJ	06/06/2024
Team Leader authorisation / sign off:		JJ	06/06
Assistant Planner final checks and despatch:		ER	06/06

**Application:** 24/00531/VOC **Town / Parish:** Ardleigh Parish Council

**Applicant:** Mr and Mrs Jones

**Address:** Newbridge Farm Fox Street Ardleigh

**Development:** Application under Section 73 of the Town and Country Planning Act for Variation of Condition 2 (Approved plans) of 21/00672/FUL to allow for changes to approved dwelling and detached garage.

### 1. Town / Parish Council

Ardleigh Parish Council      No comments received

### 2. Consultation Responses

ECC Highways Dept  
08.05.2024

It is noted that this application concerns variation of condition 2 of original application 21/00672/FUL to incorporate minor changes to the proposed dwelling and detached garage. The revision does not impact on the off-street parking provision, turning or access for the proposed dwelling, therefore:

The Highway Authority does not object to the proposals as submitted.

Informative:

i) All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

ii) 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.

### 3. Planning History

19/01742/COUNO T	Proposed conversion of agricultural buildings into 3 one bed dwellings.	Approved	10.01.2020
20/00536/FUL	Proposed replacement of three former poultry units with a three bed dwelling (in	Approved	27.07.2020

lieu of Prior Approval for three x 1 bedroom dwellings subject to application 19/01742/COUNOT).

21/00672/FUL	Alterations to previously approved Planning Permission ref: 20/00536/FUL (Proposed replacement of three former poultry units with a three bed dwelling (in lieu of Prior Approval for three x 1 bedroom dwellings subject to application 19/01742/COUNOT). to allow for increased bungalow size, garage and amenity area.	Approved	30.06.2021
24/00531/VOC	Application under Section 73 of the Town and Country Planning Act for Variation of Condition 2 (Approved plans) of 21/00672/FUL to allow for changes to approved dwelling and detached garage.	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.

In relation to housing supply:

The Framework requires Councils to significantly boost the supply of homes to meet the District's housing need. However, the revised Framework, published on 19<sup>th</sup> December 2023, sets out in Paragraph 76 that (for applications made on or after the date of publication of this version of the Framework) local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- their adopted plan is less than five years old; and
- that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.

The adopted Local Plan meets these criteria.

Notwithstanding this updated provision, the Council will continue to demonstrate an updated supply of specific deliverable sites within its Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in November 2023, and demonstrates a 6.44-year supply of deliverable housing sites against the annual requirement of 550 dwellings per annum set out within the adopted Local Plan, plus a 5% buffer to ensure choice and competition in the market. (The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>)

On 19th December 2023 the Government published the Housing Delivery Test (HDT) 2022 measurement. Against a requirement for 1,420 homes for 2019-2022, the total number of homes delivered was 2,207. The Council's HDT 2022 measurement was therefore 155%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development.

## 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>

## 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
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP3 Spatial Strategy for North Essex
- SP4 Meeting Housing Needs
- SP7 Place Shaping Principles

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

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- CP1 Sustainable Transport and Accessibility

### Neighbourhood Plan

Ardleigh Neighbourhood Plan

### Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

Tendring Provision of Recreational [Open Space for New Development SPD](#) 2008

[Essex Design Guide](#)

[Technical housing standards](#): nationally described space standard Published 27 March 2015

Biodiversity Net Gain Supplementary Planning Document June 2023 (DRAFT)

### Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

## 7. Officer Appraisal

### Site Description

The application site was previously part of the poultry farm of Newbridge Farm situated outside of the settlement development boundary at the end of a private track off Fox Street.

### History

The principle of converting the three original poultry sheds to 3No. one bedroom dwellings on the application site was approved through a change of use notification reference 19/01742/COUNOT. Further to this, an application to demolish the poultry sheds came forward with an approval for one dwelling replacing them through application 20/00536/FUL. A additional full planning application came forward under reference 21/00672/FUL and made changes to the previous approval increasing its size. It was following this application that work commenced on site.

### Proposal

This application seeks planning permission for a variation of condition 2 (Approved Plans) of planning permission 21/00672/FUL. The changes proposed are detailed as follows:

- increase in roof height from 5.52 metres to 6.554 metres at the point of the ridge
- addition of 1.8 metre deep overhang/porch at the front
- addition of 6 rooflights, 3 on each roof slope
- increase in ridge height of the detached double garage from 4.782 metres to 5.59 metres
- removal of natural stone central chimney feature
- minor changes to fenestration
- addition of first floor bedroom, en suite, walk in wardrobe and vaulted gallery landing

### Assessment

The main considerations of this application will be the visual impact and the impact on residential amenities.

### Design and Appearance

The increases in height of the dwelling to accommodate the new first floor, the increase in height of the garage and minor changes in design and scale do not have a detrimental impact on the appearance of the new dwelling or on the character of the local area. While the footprint of the dwelling has increased the overall design approach and architectural language of the proposed dwelling will remain largely the same.

Given the nature of the proposed changes there is not considered to be any adverse impacts to visual amenity.

### Impact on residential amenities

The alterations to the fenestration on the ground floor will allow sufficient light into the habitable rooms of the new dwelling and do not increase the risk of overlooking to neighbouring properties. Six roof lights will provide sufficient light to the new first floor bedroom and adjoining areas. The roof lights facing south serve the en suite, walk in wardrobe and the landing. The roof lights don't serve rooms that will be habitable during the day. The separation distance along with the detached garage between the new dwelling and the neighbouring property to the south ensure there is no significant impact in terms of overlooking or loss of privacy.

Likewise, as a result of the separation distance between the new dwelling and the dwelling to the south the increase in height of the garage and dwelling which both retain low eaves will have no significant impact in terms of loss of light or outlook to the neighbouring property.

### Habitats, Protected Species and Biodiversity Enhancement

## **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, as it is considered unreasonable to impose a planning condition at this stage, 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**

This application to vary condition 2 of the planning permission under section 73 was made on 11 April 2024, which is after 12 February 2024 (the commencement of the statutory framework for biodiversity net gain) and is therefore not in scope as the original permission (to which the section 73 application relates) was granted before this date. 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.

### Other Considerations

One representation has been received which raises the following concerns:

Damage to the private track, which is also a public footpath, that runs to Newbridge Farm as a result of the increased number of vehicles that use it, especially the section between the two properties of Castlewood and Pen Y Lan on Fox Street which causes dirty water to be sprayed onto the properties or dust in the dry weather and the dirt and noise is unacceptable.

*Officer comments: The maintenance of the private track is not a material planning consideration and is a civil matter unrelated to the planning application.*

No mitigation was secured under the original planning permission, 21/00672/FUL for this development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site however it would be considered unreasonable to impose a condition at this stage requiring a unilateral undertaking be entered in to.

There are no other impacts in comparison to the previously approved scheme.

### Conclusion

In the absence of any material harm as a result of the development, this application is recommended for approval.

## **8. Recommendation**

Approval - Full

## **9. Conditions**

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. P02b received 3 June 2021 in respect of application reference 21/00672/FUL

DWG. NO. P01c

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.

## 2 COMPLIANCE REQUIRED

CONDITION: Areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway and public right of way footpath no. 14.

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

## 3 COMPLIANCE REQUIRED: PUBLIC RIGHT OF WAY

CONDITION: The public's rights, accessibility and ease of passage over public footpath no. 14 (Parish Ardleigh- 158) shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way.

4 ACTION REQUIRED: HIGHWAYS TURNING SPACE AND PARKING

CONDITION: The proposed development shall not be occupied until two car parking spaces (minimum dimensions of 2.9 metres x 5.5 metres) with an associated turning area, to be previously approved in writing by the Local Planning Authority, have been provided. The agreed car parking and turning area shall be retained at all times for such purpose.

REASON: To ensure that an appropriate level of parking is provided in order that on street parking of vehicles in the adjoining streets/roads does not occur.

5 ACTION REQUIRED: CYCLE PARKING

CONDITION: Prior to occupation details of cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and the promotion of alternative forms of sustainable transport.

## 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.

### Highways Informatives

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

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.

### Biodiversity Enhancements Informative

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

## 11. **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	NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	NO