

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		NH	25/06/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		JJJ	26/06/2024
Assistant Planner final checks and despatch:		ER	26/06/2024

Application: 24/00459/FULHH **Town / Parish:** Ardleigh Parish Council

Applicant: Mr A Vanzanten

Address: 20 Harwich Road Ardleigh Colchester

Development: Householder Planning Application - Proposed single and part two storey side extensions, rear and forward projecting single storey extensions, dormer window, building remodelling and associated works.

1. Town / Parish Council

Ardleigh Parish Council Have not commented on this application

2. Consultation Responses

Not Applicable

3. Planning History

00/00119/FUL	Proposed two storey extension and alterations to existing dwelling	Approved	10.03.2000
00/00896/FUL	Minor amendment to approved scheme. Trade supply depot for horticultural and glasshouse sundries business	Approved	21.07.2000
00/01847/FUL	Amendments to part implemented scheme. Reconstruction of dwelling between two extensions historically approved now under construction	Approved	15.12.2000
91/01161/OUT	Agricultural workers dwelling.	Approved	17.12.1991
91/01421/FUL	Erection of building for horticultural storage of glass, framing and allied equipment with improved access and outside storage area	Refused	25.02.1992
92/01394/FUL	(Land off Home Farm Lane, Ardleigh) Trade supply depot for horticultural and glasshouse sundries businesses	Approved	23.02.1993
95/00200/FUL	Two storey extension containing lounge, bathroom, utility room, WC and two bedrooms for residential use	Approved	31.03.1995

97/01441/FUL	(Site at 20 Harwich Road, Ardleigh) Erection of glasshouse	Approved	16.01.1998
97/01567/FUL	Proposed trade supply depot for horticultural and glasshouse sundries business	Approved	23.09.1999
03/01000/FUL	Minor amendment to approved scheme	Approved	16.07.2003
03/01763/FUL	Proposed replacement garage to replace existing	Approved	14.10.2003
75/00733/FUL	Semi residential caravan	Refused	06.08.1975
76/00137/FUL	Semi residential caravan for weekday only use by members of staff	Approved	22.03.1976
88/02358/FUL	Erection of glasshouse	Approved	27.01.1989
12/00984/LUEX	Certificate for lawful use of a single dwelling house with amenity area.		04.07.2014
12/00986/LUEX	Certificate for lawful use of a single dwelling house with amenity area.		04.07.2014
13/00443/FUL	Single storey rear extension.	Approved	04.06.2013
14/01824/LUEX	Use as a single dwelling house with amenity and parking areas.		29.01.2015
14/01826/LUEX	Use as a single dwelling house with amenity and parking areas.		29.01.2015
16/01207/FUL	Removal of existing greenhouses and erection of new horticultural storage building.	Approved	21.09.2016
18/01091/FUL	Proposed single storey rear extension.	Approved	28.09.2018
20/00706/FUL	Retention of brick screen boundary wall.	Refused	26.10.2020
20/30192/PREAPP	Removal of existing industrial units and erection of bespoke administration centre.		27.10.2020
20/01507/FUL	Proposed single storey extension and associated alterations and demolition of existing garage and store.	Approved	12.01.2021
21/00200/FUL	Retention of brick screen boundary wall (revised application following refusal 20/00706/FUL).	Approved	22.03.2021

21/00603/FUL	Retrospective application for the retention of a Biomass boiler house that provides district heating to estate.	Approved	20.08.2021
22/00539/FUL	Demolition of existing industrial units and erection of bespoke administration building with associated parking, landscaping and boundary treatments.	Approved	19.05.2022
22/01169/FUL	Proposed erection of dutch barn for horticultural and glass house component storage.	Approved	12.12.2022
23/00733/FUL	Proposed erection of dutch barn for horticultural and glass house component storage (Minor amendments to approved planning 22/01169/FUL).	Approved	16.08.2023
23/00741/FULHH	Proposed single and part two storey side extensions, rear and forward projecting single storey extensions, dormer window, building remodelling and associated works.	Approved	11.08.2023

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 Neighbourhood Plan (ANP)

Ardleigh Parish Council is working on a Neighbourhood Plan (NP), the plan is progressing through the stages leading to adopted and the latest update available to the Planning Service is that a draft report has been received from examiner, the immediate next step is to hold an ANP referendum in mid 2024 –given the unadopted nature of the ANP only limited to moderate weight is afforded to it in the assessment of this application. The above notwithstanding the following draft NP policies are relevant to this application:

Policy EP – Natural, Built & Historic Environment

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)

SPL3 Sustainable Design

LP4 Housing Layout

Neighbourhood Plan

Ardleigh Neighbourhood Plan

Supplementary Planning Documents

[Essex Design Guide](#)

7. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located on the eastern side of Home Farm Lane, Ardleigh, and it comprises of a detached bungalow, with associated parking and amenity area. The site has vehicular access from Home Farm Lane which is shared with the main dwelling 20 Harwich Road and The Bungalow which is adjacent to the application dwelling which is known as Dutch Cottage.

The site is set well back from both Harwich Road and Home Farm Lane and is bordered by residential dwellings, particularly the new build development at Cherry Orchard Farm to the East. To the south west of the site are commercial/horticultural businesses. The site is outside of any defined settlement development boundary and is sited within Flood Zone 1, which has a low risk of flooding.

Site History

Planning permission was granted under planning reference 23/00741/FULHH for the single and part two storey side extensions, rear and forward projecting single storey extensions, dormer window, building remodelling and associated works.

Proposal

The application seeks planning permission for the construction of a single and part two storey side extensions, rear and forward projecting single storey extensions, dormer window, building remodelling and associated works, including the creation of a section of new driveway to provide a slightly altered access to the proposed extended dwelling compared to the above mentioned approval.

Assessment

Principle of Development

The application site is located outside of any defined settlement boundary as laid out within the adopted Local Plan, however the proposals relate to extensions and additions to a residential property, therefore there is no objection to the principle of development within the curtilage of the residential dwelling, subject to the detailed considerations discussed below.

The use of the building as a dwelling is lawful as a certificate of lawfulness was granted in 2015 reference 14/01826/LUEX.

Design, Character and Appearance

Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness.

The extensions seeks to extend the existing ridge out to the western side of the dwelling and form a new gable end and two pitched roof dormers to the front roof plane and form a porch and new entrance door. It is also proposed to construct a part single, part one and a half storey side extension to the eastern side of the dwelling, with gable ends to the front and rear elevations and a pitched roof single storey element to the back of the side extension.

Whilst the extensions are extensive, the ridge height is not increased and the proposed extensions are proportionate to the main dwelling, adding interest and detailing to the elevations, whilst maintaining a chalet bungalow like appearance which is in keeping with the character of the adjacent dwelling, The Bungalow. The utility will now be positioned to the south western elevation which although visible to the street scene, due to the single storey nature and use of matching materials, it is not considered to cause any visual harm. The altered / new section of driveway will go over land that is shown to be in the applicants control, and in a relatively inconspicuous location to the east of the existing dwelling located due south (of the application property) – on this basis no objection is raised to this element.

The materials proposed; pantiles, smooth render, white joinery and facing brickwork are all materials that will match the existing dwelling and therefore are considered acceptable.

Overall, the proposed extensions are considered to harmonise well with the main dwelling and given its siting, some distance from the highway and screened from view, it is not considered to be form a prominent feature within the streetscene and would be in keeping with the character of surrounding rural location. Suitable parking and amenity areas are also retained. Therefore, the proposal is considered to be policy compliant.

Impact on residential amenity

NPPF, Paragraph 17, states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy SPL 3 states that all new development must meet practical requirements, it must be designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents.

The site is well separated from the neighbouring dwellings. The front dormers would face the open parking area and are some distance from the nearest elevation of the dwelling, 'The Bungalow'.

The side window at first floor faces No. 20 Harwich Road, but again is some distance away and is a secondary window to a bedroom. Given the separation distance from the dwelling to No. 20 Harwich Road it is not seen to be necessary to condition this window to be obscure glazed. The altered / new section of driveway will go over land that is shown to be in the applicants control, and in a relatively inconspicuous location to the east of the existing dwelling located due south (of the application property) but still a sufficient distance away from this dwelling to ensure the very low level of traffic associated with the application dwelling will not result in an unacceptable impact on the occupiers of the dwelling to the south.

Overall is it not considered that the proposed extensions would result in any overlooking or loss of privacy, light or outlook to the adjacent neighbouring dwellings, retaining adequate separation distance from the shared boundaries.

Highways and parking

The Essex County Council Parking Standards 2009 set out the parking requirements for new development. For a dwelling in excess of two bedrooms, 2 parking spaces are required measuring 5.5m x 2.9m.

The proposal would extend the property slight forwards into the parking area, however it is considered to be large enough to accommodate the policy required two parking spaces for the dwelling.

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. If approved an informative can be 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.

Other Considerations

Ardleigh Parish Council have not commented on this application.

One letter of observation has been received and requesting that a working hours condition is imposed due to other construction sites causing noise disturbance.

In response to the concern raised above, an informative can be imposed to detail the working hours that the applicants will need to comply with to help reduce any impact upon neighbouring amenities. It is considered that a specific condition to cover the above will fail to meet the NPPF tests for planning conditions because working hours is covered by legislation separate from the planning legislation, and in any event, no such condition was imposed on the previous consent.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm, resulting from the proposal the application is recommended for approval.

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. 101 A
- Drawing no. 106 B
- Drawing no. 107 B
- Drawing no. 108 A

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.

You are reminded that in the United Kingdom, under the Control of Pollution Act, General construction work should be restricted to the following hours: Monday to Friday 8am to 6pm. Saturdays 8am to 1pm. Noisy work is strictly prohibited on Sundays and bank holidays.

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

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