

## **DELEGATED DECISION OFFICER REPORT**

<b>AUTHORISATION</b>		<b>INITIALS</b>	<b>DATE</b>
Planning Officer recommendation:		OA	01.08.24
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		JJJ	02/08/2024
Assistant Planner final checks and despatch:		ER	02/08/2024

**Application:** 24/00838/FULHH **Town / Parish:** Great Bentley Parish Council

**Applicant:** Mr Alan Hill

**Address:** 14 Michael Wright Way Great Bentley Colchester

**Development:** Householder Planning Application - Erection of garden studio.

### **1. Town / Parish Council**

Great Bentley Parish No Comments  
Council

### **2. Consultation Responses**

N/A

### **3. Planning History**

15/00682/OUT	Proposed erection of 75 dwellings, garages, roads and associated works.	Refused	08.01.2016
16/00133/OUT	Proposed erection of 50 dwellings, garages, roads and associated works.	Approved	28.09.2016
16/01912/DETAIL	Proposed erection of 50 dwellings, garages and associated works.	Approved	12.05.2017
19/01021/OUT	Variation of condition 12 of approved application 16/00133/OUT to amend clause (ii).	Approved	17.10.2019
19/01204/DETAIL	Seeking approval for material changes further to application 16/01912/DETAIL (Plots 1 to 41).	Approved	14.11.2019
20/00864/DETAIL	Amendments to Layout relating to plots 7, 8, 12, 31, 32, 35, 37, 38 and 39; Boundary conditions and realignments, Site entrance wall added; and Appearance and Scale relating to Plot 8 (approved under 16/01912/DETAIL).	Approved	07.10.2020

#### **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>

There are no neighbourhood plans in place for this area.

#### **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

SPL2   Settlement Development Boundaries

SPL3   Sustainable Design

LP3    Housing Density and Standards

LP4    Housing Layout

PPL8   Conservation Areas

##### Supplementary Planning Documents

[Essex Design Guide](#)

Great Bentley Conservation Area Character Appraisal, November 2023

##### Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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

##### **Site Context**

The application site comprises of a detached dwelling located to the south of Michael Wright Way, Great Bentley. It forms part of the newly constructed Admirals Farm estate approved under 16/01912/DETAIL.

To the north of the site is Michael Wright Way with an attenuation pond beyond. To the east of the site lies No. 16 Michael Wright Way, also a detached dwelling. To the south lies the rear gardens of Woodlands and Moor Lodge. To the west lies a pumping station and beyond lies the detached dwelling of No. 12 Michael Wright Way.

The existing dwelling is finished with cream brick and red/brown roof tiles. An existing detached garage is finished in similar materials. The sites vehicular access is obtained to the north with off-road parking.

The site is located within the defined settlement development boundary of Great Bentley and immediately north of the Great Bentley Conservation Area with the boundary situated close to the rear garden.

## **Proposal**

This application seeks planning permission for the erection of a garden studio to be used in association with the host dwelling. It would be constructed with Anthracite grey horizontal cladding wall finishing, roofing would consist of a profiled metal deck flat roof and doors will be anthracite grey aluminium. Dimensions would be approximately 4.3 W x 6.5 D x 3.4 H.

## **Assessment**

### **Visual Impact**

Paragraph 135 of the National Planning Policy Framework (NPPF) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character and establish or maintain a strong sense of place. Policy SP7 of the Tendring District Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context.

The new garden studio will be sited to the side of the existing garage behind an existing close-boarded fence with some views visible from Michael Wright Way and to a lesser extent the rear gardens of Moor Lodge and Woodlands. An existing shed is currently sited in this location through the use of permitted development rights and has limited visual impacts. The proposed studio will have a greater height but it's flat roof will ensure minimal visual impact. Whilst the flat roof will undoubtedly be visible above the close boarded fence this harm will not be significant or overriding and the garden studio is otherwise considered to be of an appropriate design and scale to the existing house.

The proposed addition is therefore considered suitable and would not result in overriding detrimental harm to the appearance/ character of the existing house or streetscene in compliance with both national and local policy.

### **Impact to Neighbours**

Paragraph 135 of the NPPF confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users. Policy SP7 of the Tendring District Local Plan requires that the amenity of existing and future residents is protected. Policy SPL3 seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The proposed studio is located towards the west of the site and is a significant enough distance from the adjacent neighbouring dwellings as to have no impact on the loss of daylight / sunlight to these neighbouring dwellings.

The studio is of a single storey nature and therefore poses no significant threat of overlooking or loss of privacy to the adjacent neighbouring residents in compliance with both national and local policy.

## 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 a householder development and 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

There have been no letters of representation received.

#### Conclusion

The proposal is therefore considered to be compliant with national and local policy as assessed in the above report. In the absence of any overriding material harm resulting from the proposed development the application is recommended for approval.

## 8. **Recommendation**

Approval - Full

## 9. **Conditions / Reasons for Refusal**

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

Drawing Numbers. A001, A003A, AP001A, AP002, AP003, AP004, AP005, AP006 & AP007

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: OCCUPATION

CONDITION: This permission shall only authorise the use and occupation of the studio hereby approved for purposes incidental and ancillary to the principal dwelling known as No. 14 Michael Wright Way (or as may be renamed in the future) and does not permit the use of the approved building for uses not incidental/ancillary to the principal dwelling.

REASON: The proposed annexe would not be acceptable under the established policies of Local Plan and NPPF by representing a net increase in dwelling units were the development to be occupied as an unrelated dwelling and not considered as one household. Furthermore, having regard to its particular relationship with the principal dwelling, there is potential for noise, activity and disturbance detrimental to the amenity of that principal dwelling were the development to be occupied as an unrelated dwelling.

#### NOTE/S FOR CONDITION

Unless otherwise stated, this condition applies to the site outlined in red and to all new development that forms any net increase in residential accommodation and may include change of use of buildings, change of use of land for the siting of caravans or similar, new buildings and extensions.

## 10. Informatives

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