DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		ER	02/08/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		AN	06/08/2024
Assistant Planner final checks and despatch:		JJ	07/08/2024

Application: 24/00987/FULHH **Town / Parish**: Ardleigh Parish Council

Applicant: Mr and Mrs Munn

Address: 6 Fox Street Ardleigh Essex

Development: Householder Planning Application - Proposed single storey annexe outbuilding.

1. Town / Parish Council

Ardleigh Parish Council — Ardleigh Parish Council does not object to the proposed annexe outbuilding. The Council requests that a condition be placed stating the outbuilding is to be used only in conjunction with the main dwelling and not as a future conversion to a standalone dwelling in its own right.

2. Consultation Responses

Not required for this type of application.

3. Planning History

80/00719/FUL	Temporary siting of residential caravan during renovation and extn of dwelling	Approved	09.07.1980
80/00718/FUL	Renovation and extn of building	Approved	09.07.1990
81/00142/FUL	Temporary siting of residential caravan during renovation and extn (renewal of TEN/719/80)	Approved	04.03.1981
81/01381/FUL	Continued occupation of residential caravan during renovation of adj. dwelling (renewal of TEN/142/81)	Approved	20.10.1981
82/00912/FUL	Continued siting of caravan and renewal od TEN/1383/81	Approved	08.10.1982
83/01440/FUL	Domestic garage hobbies room and W.C.	Approved	03.02.1984

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

Status of Ardleigh Neighbourhood plan

The Publication of Examiner's Final Report and progression to referendum was carried out in 2024.

The Examiner published her Final Report on the 5th May 2024. This Final Report found that the

Neighbourhood Plan met the Basic Conditions subject to a number of minor changes.
The decision to progress the Plan to referendum was made by the Director for Planning in consultation with the Portfolio Holder for Housing and Planning on the 13th May 2024.

On 22nd May 2024 the Prime Minister announced there would be a general election on 4th July 2024. Due to the pre-election period and the summer holiday period, the referendum for the Ardleigh Neighbourhood Plan will be held in September.

The plan remains therefore in draft form and not currently formally adopted meaning that it can be given limited weight at present

6. Relevant Policies / Government Guidance

NATIONAL:
National Planning Policy Framework 2023 (NPPF)
National Planning Practice Guidance (NPPG)

LOCAL:
Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (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

Supplementary Planning Guidance:
Essex Design Guide

Local Planning Guidance:
Essex County Council Car Parking Standards - Design and Good Practice

7. Officer Appraisal (including Site Description and Proposal)

Application Site

The application site comprises of a two storey semi detached building known as 6 Fox Street. The site benefits from vehicular access which leads to a driveway.

There is a noticeable ground level change on the site with the gradient lowering towards the rear of the garden.

Proposal
This application seeks planning permission for a proposed single storey annexe outbuilding. The new building will comprise of a bedroom, bathroom and open plan kitchen/ dinning room. The materials used will be red facing brickwork to the walls and plain brown interlocking tiles to the roof.

A justification statement has been provided within the application submission confirming that the annexe will be used for accommodation of elderly family members and that utilities will be shared between the new building and donor property. The statement has also confirmed that the donor property will be in receipt of all postal correspondence.

Assesment
Visual Impact
Paragraph 135 of the NPPF (2023) 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 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context, and to protect the district's landscape and the quality of existing places and their environs.

The proposed building will be located to the side of the existing house and therefore a noticeable feature between the host and neighbouring dwelling within Fox Street. The building will incorporate a pitched roof with its gable end facing Fox Street.

The orientation of the new building and its set back from the front boundary will reduce the prominence of the proposal within the streetscene. The building itself will be single storey in design allowing it to appear subserviently to the host dwelling and the change in ground levels which lower towards the rear of the site will allow for elements of the new building to be obscured from view further reducing its impact within Fox Street.

The building is large but is considered a suitable size to the plot and the host dwelling and will allow for a suitable area of private amenity space to be retained.

The proposed annexe will be constructed from brick which will differ to the light coloured render already displayed on the host dwelling. The surrounding area varies in terms of materials and due to the set back of the new building the use of brick here would be suitable here and would not result in a harmful impact to the character/ appearance of the streetscene.

The new building will also be set off of the south western boundary which will allow for a suitable space to be retained between surrounding buildings and prevent it from appearing cramped within the Fox Street.

As noted on the officers site visit the local area comprises of a vast array of different houses which vary in materials, some of which already benefit from outbuildings which can be seen from Fox Street.

The justification statement confirms that the new annexe will share aspects such as utilities, postal address, parking areas and garden space with the donor dwelling allowing it to be used in ancillary to such. Officers are happy with this justification as it ensures that the building will not be used as a separate dwelling and will rely on aspects of the host house.

The proposal is therefore considered a suitable addition to the site which would not diminish the character/ appearance of the host dwelling or locale.

Highway Safety
Paragraph 114 of the National Planning Policy Framework 2023 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 104 requires that streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate, and the design and layout of the development provides safe and convenient access for people.

The Essex County Council Parking Standards states that where a house comprises of two or more bedrooms that 2no parking spaces should be retained which measure 5.5m by 2.9m per space. They also state that new garages should have an internal measurement of 7m by 3m.
The proposal does not seek to alter the vehicular access.

The parking area to the side of the house will be retained and will accommodate at least two off street parking spaces in line with the above standards.

The proposal will not contravene highway safety.

Impact to Neighbours
Paragraph 135 of the National Planning Policy Framework (2023) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well being, with a high standard of amenity for existing and future users.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing residents is protected. Section 2 Policy SPL 3 (Part C) 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 building will be sited sufficient distance from the neighbour to the north east and largely screened by existing boundary fencing preventing it from resulting in a loss of amenities to this neighbour.

Sited to the south west is 7 Fox Street which is a two storey semi detached house which benefits from a small number of outbuildings. Whilst this neighbour will achieve views of the proposal these would not be prominent given the setting of the building away from the shared boundary and screening by way of planting, fencing and outbuildings within the locale. The proposal does include a number of rooflights which will face this neighbour however given their height and positioning they would not achieve clear views of this neighbours house/ garden. The proposal is therefore considered not to result in a significant loss of amenities to this neighbour.

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.

Other Considerations
Ardleigh Parish Council does not object to the proposed annexe outbuilding. The Council requests that a condition be placed stating the outbuilding is to be used only in conjunction with the main dwelling and not as a future conversion to a standalone dwelling in its own right.

Officer Response - Noted and a condition will be imposed upon the permission to ensure the building is used in ancillary to the main house.

No letters of representation have been 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 material harm resulting from the proposed development the application is recommended for approval.

8. Recommendation
Approval

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.

A-103 B
A-104 B
A-105 A
A-201 A

PLANNING JUSTIFICATION STATEMENT REC 01/07/24

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 accommodation hereby approved for purposes incidental and ancillary to the principal dwelling known as 6 Fox Street, Ardleigh, Essex, CO7 7PP (or as may be renamed in the future) and does not permit the use of the approved accommodation as a separate household unrelated and 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

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