

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	BB	08/08/2024
EIA Development - Notify Planning Casework Unit of Decision:	N/A	
Team Leader authorisation / sign off:	AN	09/08/24
Assistant Planner final checks and despatch:	ER	09/08/2024

Application: 24/01061/HHPNOT **Town / Parish:** Ardleigh Parish Council

Applicant: Mr Geoffrey Sexton - Sexton Design Services

Address: 5 Barfoot Drive Colchester Essex

Development: Prior Approval Application under Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for single storey rear extension 5.34m deep from rear wall of original dwellinghouse, 2.27m to eaves, 3.53m maximum height.

1. Town / Parish Council

Ardleigh Parish Council No comments received

2. Consultation Responses

Not Applicable

3. Planning History

13/00994/DISCON	Discharge of conditions on previously approved planning application 12/00885/OUT (Full Planning Permission Element) - 03 - Tree removal and retention details, 06 - Scheme of supervision of the arboricultural protection, 07 - Details of wheel washing facilities, 08 - Construction/ works method statement, 12 - Risk assessment to assess the extent and nature of contamination, 13 - Remediation scheme, 16 - Validation Report, 17 - Monitoring and maintenance plan in respect of contamination.	Approved	27.11.2013
13/01298/NACON	Construction of below ground surface water pumping station with associated storage tank above ground control kiosk, hardstanding and security wall and access gates.	Determination	02.12.2013
13/01482/DISCON	Discharge of condition 16 (Remediation Validation Report) of planning permission 12/00885/OUT (Full Planning Permission Element).	Approved	11.02.2014
14/30152/PREAPP	Development of up to 73 dwellings in accordance with outline consent		25.11.2015

12/00885/OUT.

14/00778/DISCON	Discharge of condition 7 (Code for Sustainable Homes), 11 (Details of Earthworks), 12 (Details of Tree Protection Fencing), 15 (Arboricultural Implications Assessment, Method Statement and Tree Protection Plan), 16 (Scheme of Supervision for Arboricultural Protection Measures), 17 (Noise Mitigation Measures), 18 (Lighting), 19 (Refuse and Recycling Scheme), 22 (Noise from Plant, Equipment and Machinery) and 26 (Surface Water Drainage Scheme) of planning permission 12/00885/OUT (Outline Planning Permission Element).	Approved	25.09.2014
14/01726/DISCON	Discharge of conditions 23 (parking) and 29 (trees) of planning permission 12/00885/OUT.	Approved	23.12.2014
14/01727/DISCON	Discharge of conditions 02 (external facing and roofing materials) and 03 (surfacing materials) of planning permission 14/00807/DETAIL.	Approved	23.12.2014
14/30435/PREAPP	Outline development proposal for a minimum of 120 dwellings with detailed access for vehicles gained through a boulevard link to the Betts Factory site.		09.04.2015
15/00932/OUT	Outline planning permission for the erection of up to 120 dwellings (C3) including hard and soft landscaping, public open space, play areas, vehicle parking and supporting site infrastructure with all matters reserved apart from access at Land North of the Former Betts Factory, Colchester.	Approved	22.03.2016
17/01477/DETAIL	Reserved matters application for the erection of up to 120 dwellings including hard and soft landscaping, public open space, play areas, vehicle parking and supporting site infrastructure and site access.	Approved	01.12.2017
18/01217/NMA	Non-Material Amendment to 17/01477/DETAIL - Amendment of roof tile selection.	Approved	09.08.2018
24/01061/HHPNO T	Prior Approval Application under Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for single storey rear extension 5.34m deep from rear wall of original dwellinghouse, 2.27m to eaves,	Current	

3.53m maximum height.

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

The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A

7. Officer Appraisal (including Site Description and Proposal)

A prior notification has been received by Tendring District Council in relation to the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A for the erection of a single storey rear extension (depth 5.4m, eaves height 2.6m and overall height 3.6m) at 5 Barfoot Drive Colchester Essex CO4 9AW.

No objections have been received.

Though the cladding on the proposed rear extension is a different material to the brickwork on the main dwelling, the use of the colour cream as the finish will match the existing colour of the host dwelling and therefore the proposed development is consistent with the above mentioned Order. Prior approval for the application can therefore be granted.

8. Recommendation

HHPN - Prior Approval Not Required

9. Conditions / Reasons for Refusal

- 1 Drawing No. 2213/02
Drawing No. 2213/04
Drawing No. 2213/05
Drawing No. 2213/07

10. Informatives

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

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