

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		OA	09.10.24
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		JJJ	11/10/2024
Assistant Planner final checks and despatch:		ER	11/10/2024

Application: 24/01102/FULHH **Town / Parish:** Ardleigh Parish Council

Applicant: Mr and Mrs Harris

Address: Mulberry Cottage Waterhouse Lane Ardleigh

Development: Householder Planning Application - new garage with home office and first floor storage.

1. Town / Parish Council

Ms Clerk to Ardleigh Parish Council Ardleigh Parish Council does not object to the new garage with home office and storage.

The Council requests that a condition be placed stating the building is to be used only for the purpose stated on the application form, ie garage/office/storage, for purposes incidental and ancillary to the existing dwelling and may not be used for current or future conversion to residential or dwelling purposes.

The Council also requests that a condition be placed limiting the use of the office space to householder usage only and not as provision for a third-party business.

2. Consultation Responses

Essex County Council Highways 30.09.2024 The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material and google earth image.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority.

Informative:

i. There shall be no discharge of surface water onto the Highway.

ii. 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

Tree & Landscape Officer
26.09.2024

An examination of our records shows that the application site is affected by Tendring District Council Tree Preservation Order TPO/91/06. The preserved tree on the land is an Ash tree situated on the front boundary of the property.

The proposed development will make use of the existing vehicular access to the site and the protected tree will not be adversely affected by the proposed development

3. **Planning History**

08/00878/FUL	Erection of single storey side extensions and two storey rear extension.	Approved	21.08.2008
18/01067/FUL	Proposed two storey front extension to form porch, and extension to existing study.	Approved	22.08.2018
20/01771/FUL	Change of use of agricultural land to garden.	Approved	15.02.2021
24/01102/FULHH	Householder Planning Application - new garage with home office and first floor storage.	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.

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 (May 2024)

Ardleigh Neighbourhood Plan went to poll on September 12th 2024 and was voted yes for adoption. The result of the referendum will need to be formally adopted at cabinet on 21st October 2024. Whilst the plan now has 'significant weight' it can not yet be given 'full weight' until adoption. The following policies below are of most relevance to this application:

GDP: General Approach to Development
HP: Housing
EP: Natural, Built & Historic Environment
TP: Transport & Parking

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
SP3 Spatial Strategy for North Essex
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
PPL1 Development and Flood Risk
PPL4 Biodiversity and Geodiversity
CP1 Sustainable Transport and Accessibility
CP2 Improving the Transport Network
DI1 Infrastructure Delivery and Impact Mitigation

Essex Minerals Local Plan Adopted July 2014

S8 Safeguarding mineral resources and mineral reserves
DM1 Development Management Criteria

Supplementary Planning Documents

Essex Design Guide

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

Application Site

The application site serves a detached dwelling located towards the north of Waterhouse Lane, Ardleigh outside of any defined settlement development boundaries. The application site benefits from a large plot of land with the two-storey host dwelling set back from the highway and an existing shed located in the north-east corner of the site. The site is partially shielded by the existing hedgerow along the site boundary. To the north of the site are agricultural fields, to the east are residential dwellings along Waterhouse Lane, to the south beyond Waterhouse Lane is the large residential curtilage of the property known as 'Brendons' and to the west is further agricultural land.

Proposal

This application seeks permission for a new garage with home office and first floor storage. The building would measure approximately 6.7m in height with eaves height of 3.2m. The proposed depth is approx. 14m with a width of 6.6m. A open car port will be located at the front of the building with a garage behind providing space for approximately 3 parked vehicles. Behind the garage at the rear is a proposed office with stairs leading up to an external 'terrace' area and storage space at first floor level. Materials would consist of black cladding with red brick plinth walls, a slate roof and Upvc windows and doors.

Assessment

Design and Appearance

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 proposed building is located to the north-east of the site set well back from the highway and will not appear overly dominant within the area. The building is 1 ½ storey with a pitched roof design finished in pantiles to blend with the existing site. Materials which will include red brick and black timber cladding are considered acceptable in accordance with above national and local design policies and the application site benefits from a large plot of land and can easily accommodate for the proposed outbuilding whilst retaining adequate private amenity space. The building is therefore deemed to be of an acceptable size and scale, sufficiently set back and not so harmful as to warrant the refusal of planning permission.

Impact on Neighbouring Amenities

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 outbuilding is of a part single, part two storey nature however due to its orientation and location on the site (in relation to neighbouring buildings) poses no significant threat of harmful overlooking or loss of privacy to the adjacent neighbouring dwellings. The 'terrace' or external balcony area to the rear will face the fields at the back, and views towards the neighbours to the south will be obscured by the proposed first floor bulk (the internal storage area in the Apex), therefore this element (the platform/terrace) will not result in harmful overlooking/loss of privacy (to neighbours) either. The outbuilding is proposed to be located close to the shared boundary with No. 2 Waterhouse Lane, however the boundary has a significant area of soft landscaping, and the neighbouring dwelling is located to the east of its plot therefore is it not considered that the proposals would have an impact in terms of loss of light. The proposals are therefore considered to be in accordance with both national and local policy with regards to neighbouring amenity.

Highway Safety

There are no proposed alterations to the access as part of the proposals and there is not considered to be a significant increase in vehicle movement by the creation of an ancillary building, Essex County Council Highways raise no objection to the proposals and they therefore comply with national and local policy with regards to highway safety.

Trees & Landscaping

The Council's Tree & Landscape officer has been consulted as part of the application as there is a protected tree within the red line of the application site. They state that an examination of our records shows that the application site is affected by Tendring District Council Tree Preservation Order TPO/91/06. The preserved tree on the land is an Ash tree situated on the front boundary of the property.

The access to the proposed garage passes this tree but there are no proposals to amend or alter the access point therefore it is considered that the protected tree will not be adversely affected by the proposed development. The proposals are therefore in accordance with national and local policy with regards to tree preservation.

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 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

Ardleigh Parish Council have been consulted on the application and have not objected but request that a condition be placed stating the building is to be used only for the purpose stated on the application form for purposes incidental and ancillary to the existing dwelling and may not be used for current or future conversion to (separate self contained – officer added words to provide clarity) residential or dwelling purposes.

Officer Response – A condition will be included on the subsequent approval to ensure the use of the outbuildings remain ancillary to the host dwelling.

No other letters of representation have been received.

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 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. P01B – Block Plan, Proposed Floor Plan, Elevations – Received 26.07.2024
Drawing No. P02B – Site Plan – Received 26.07.2024

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 hereby approved garage with home office and first floor storage as shown on Drawing No. P01B & P02B, for purposes incidental and ancillary to the principal dwelling known as Mulberry Cottage (or as may be renamed in the future) and does not permit the use of the approved building for uses or purposes unrelated and not incidental/ancillary to the principal dwelling.

REASON: This condition is necessary on the basis of the submission and the nature of the application as submitted and considered. 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 and neighbouring dwellings were the development to be used for purposes not incidental to the principal dwelling 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.

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
Has there been a declaration of interest made on this application? Please use the below options as required. No Declarations Of Interest Made / Declaration of Interest Made by...(specify who and why).	YES	NO