

## DELEGATED DECISION OFFICER REPORT

| AUTHORISATION   | INITIALS | DATE       |
|---|----------|------------|
| File completed and officer recommendation:                  | NH       | 27/05/2020 |
| Planning Development Manager authorisation:                 | SCE      | 27.05.20   |
| Admin checks / despatch completed                           | CC       | 27.05.2020 |
| Technician Final Checks/ Scanned / LC Notified / UU Emails: | BB       | 27/05/2020 |

**Application:** 20/00334/FUL **Town / Parish:** Wix Parish Council

**Applicant:** R F Whitworth and Co

**Address:** Wix Lodge Colchester Road Wix

**Development:** Variation of condition 5 for 17/01535/FUL to enable the development to be carried out in accordance with drawing numbers 6180/6B and 6180/7.

### 1. Town / Parish Council

Wix Parish Council                      Have not commented on this application

### 2. Consultation Responses

ECC Highways Dept                      The Highway Authority does not object to the proposals as submitted.  
15.04.2020

Informative 1: 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](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

### 3. Planning History

|                     |  |               |            |
|---------------------|--|---------------|------------|
| 01/01703/TELCO<br>M | Erection of 15m high lattice telecommunications mast, radio equipment housing and ancillary development              | Determination | 23.11.2001 |
| 13/00896/FUL        | Installation of a 14.96MWp solar farm and the associated infrastructure.   | Approved      | 15.11.2013 |
| 13/01466/DISCON     | Discharge of Conditions 4 (details of fencing), 6 (decommissioning statement), 7 (landscaping scheme), 8 (ecological | Approved      | 17.01.2014 |

|                 |  |                      |            |
|-----------------|--|----------------------|------------|
|                 | management scheme), 9 (programme of archaeological work), 17 (vehicular turning facility) and 18 (construction Method statement) on Planning permission 13/00896/FUL |                      |            |
| 13/01475/DISCON | Discharge of condition 21 (construction and maintenance of bridging/piping of drainage ditch/watercourse) of planning permission 13/00896/FUL.                       | Approved             | 16.01.2014 |
| 16/01878/DISCON | Discharge of Condition 14 (Ancillary Equipment) of Planning Permission 13/00896/FUL.   | Approved             | 04.01.2017 |
| 17/01535/FUL    | Replacement dwelling.  | Approved             | 21.11.2017 |
| 18/01228/DISCON | Discharge of Condition 2 (presence/absence survey for bats) of 17/01535/FUL.   | Approved             | 27.09.2018 |
| 19/01936/FUL    | Variation of condition 5 of application 17/01535/FUL to enable the development to be carried out in accordance with drawings 6180/4B and 6180/5A.                    | Application Returned |            |
| 20/00333/DISCON | Discharge of Condition 3 (landscaping) for 17/01535/FUL.   | Approved             | 08.04.2020 |

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

EN1 Landscape Character

EN6 Biodiversity

EN6A Protected Species

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL3 Sustainable Design

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, whilst housing delivery over the last three years has exceeded requirements, the supply of deliverable housing sites going forward that the Council can demonstrate still falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

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

### **Site Description**

The application site is Old Wix Lodge, Colchester Road, Wix, which is an easterly facing two storey detached dwelling. The dwelling is located in close proximity to farm buildings and to the south

east is Wix Lodge. The site does not fall within a recognised Settlement Development Boundary, as agreed in both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

### History

Planning permission was granted under planning reference 17/01535/FUL for a replacement dwelling.

### Proposal

This application proposes to vary condition 5 of planning application 17/01535/FUL to amend the approved plans.

### **Assessment**

#### Principle of Development

The proposal involves the one for one replacement of a dwelling outside of any defined settlement boundary and is therefore acceptable in principle subject to detailed consideration against saved policy HG12. Saved policy HG12 states replacement dwellings will be permitted provided it:

(i) is of a size, scale, and height in keeping with the character of the locality and in terms of design and materials would make a positive visual contribution to its setting;

*The character of the surrounding area is typically rural, with the only other residential dwelling being Wix Lodge. The application site is situated behind existing farm buildings and will be screened on all boundaries by existing hedgerows and trees therefore due to this and the distance from the highway the proposal will not be visible from Colchester Road. The replacement dwelling is considered to be of a smaller footprint to the existing dwelling and therefore the development will not represent an unacceptable intrusion into the open countryside. The proposed replacement dwelling is a two storey modern dwelling and garage which is considered to be of a size and scale which is in keeping with the character of the area. The site is certainly large enough to accommodate a dwelling in the size proposed without it being detrimental to the rural character of the locality.*

*In terms of design, the proposal will be constructed from weinerberger sandtoft arcadia pantiles, off white rendered finish to walls, anthracite grey finish to windows and doors, dark grey grp roof, Lindab metal gutters and downpipes, light grey horizontal mock weatherboarding and weinerberger renaissance multi red facing brick plint. The proposed garage will be constructed from weinerberger sandtoft arcadia pantiles, light grey horizontal weatherboarding and weinerberger renaissance multi red brick plinth. The materials proposed are considered to be modern, however they are considered acceptable in terms of design and appearance.*

*It is therefore, considered that the redevelopment of this site would, on balance, not result in overriding harm to the rural character of the surrounding area.*

(ii) is well related and in proportion to the original dwelling;

*As stated above, the replacement dwelling is of a smaller footprint and due to the plot size and sympathetic design proposed, it is considered that the replacement dwelling will be well related and is in proportion to the plot and the original dwelling.*

(iii) it is not visually intrusive on a skyline or in the open character of the surrounding countryside;

*Due to the heavily vegetated nature of the area, the presence of dense trees/hedges on the side boundaries of the site and the dwelling being set back from the surrounding public vantage points, it would not appear unduly prominent in views from the surrounding area. As the replacement*

*dwelling would not have a larger amenity space than the current lawful dwelling on site, permitted development rights for outbuildings and extensions will not be removed.*

(iv) it retains sufficient space around the dwelling to protect its setting, that of any associated small group of rural housing, and the amenity and character of the countryside;

*The dwelling would retain significant distance to its side boundaries ensuring it would be sympathetic to the character and appearance of the rural area.*

(v) would not represent over-development of the site

*The site provides parking and amenity space significantly in excess of the local plan requirements. The dwelling would therefore not represent over-development of the plot.*

(vi) would not be detrimental to highway safety;

*As a result of the proposal, access arrangements to the site will remain unchanged, whilst there is significant area within the vicinity of the site to accommodate the parking and turning of two vehicles by measurements of 5.5 metres x 2.9 metres, as per Adopted Essex Highway requirements. ECC Highways have confirmed no objections to the proposal.*

*The proposed garage demonstrates on the plan that it can accommodate three parking spaces although it falls short of the Essex Parking Standards requirements. However, sufficient parking is provided to the front of the proposed dwelling to be able to accommodate two parking spaces.*

(vii) would not adversely affect adjoining properties or main habitable rooms in terms of privacy, amenities and aspect;

*There are no adjacent neighbouring properties nearby to the application site and therefore there will be no adverse impacts to existing amenities as a result of the proposal.*

(viii) would not replace an existing permanent dwelling which is capable of reasonable improvement and extension and which makes a positive contribution to local character;

*The existing dwelling is in a poor state and in need of repair and therefore the replacement dwelling would make a significantly positive contribution to the character of the area. The replacement dwelling will therefore result in a positive impact upon the local character.*

(ix) would not be a replacement for a mobile home, dwelling already demolished or abandoned, or a building not in lawful use as a dwelling house; and

*This criterion is met.*

(x) would not exacerbate any existing access, drainage or other problems associated with the site.

The proposal is not believed to exacerbate any of the above issues and is therefore acceptable against this criterion.

#### Impact upon protected species

Under planning reference 17/01535/FUL, an ecology report was submitted that required further surveys to be undertaken for Old Wick Lodge and the offsite building to confirm the presence/absence of bats and this was secured by condition. A discharge of condition application was submitted reference 18/01228/DISCON and was accompanied by a bat survey which concluded that although there were a range of species recorded briefly on the site, overall bat activity was low, and the surveys indicate that bats are unlikely to be using the buildings to roost. The condition was discharged under planning reference 18/01228/DISCON.

## Other Considerations

Wix Parish Council have not commented on this application.

There have been no other letters of representation received.

## **6. Recommendation**

Approval - Full

## **7. Conditions**

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans and document:

Drawing No.7 - Block Plan & Details of Garage  
Drawing No.6 Revision B - Detail Plans & Elevations  
Ecological Appraisal - 6th November 2017 submitted under planning application  
17/01535/FUL.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 2 Within 1 month of the new dwelling being first occupied the existing dwelling and other outbuildings shown to be removed on drawing no. PLG WL 01 under planning application 17/01535/FUL, shall be demolished and all materials resulting therefrom shall be cleared from the site.

Reason - The site lies outside any defined settlement limits where strict policies of constraint apply to new dwellings.

- 3 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved Drawing No. LSDP 1446.01 Revision A submitted under planning application 20/00333/DISCON shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - In the interests of the character and quality of the development.

- 4 The development hereby approved shall be carried out in accordance with the Bat Survey provided by Liz Lord Ecology dated 19th July 2018 submitted under planning application - 18/01228/DISCON unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of biodiversity and protecting existing wildlife.

## **8. 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.

## Highways

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](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

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