

## DELEGATED DECISION OFFICER REPORT

| AUTHORISATION   | INITIALS | DATE       |
|---|----------|------------|
| File completed and officer recommendation:                  | NH       | 15/04/2021 |
| Planning Development Manager authorisation:                 | TF       | 15/04/2021 |
| Admin checks / despatch completed                           | CC       | 16.04.2021 |
| Technician Final Checks/ Scanned / LC Notified / UU Emails: | ER       | 16/04/2021 |

**Application:** 21/00326/DETAIL **Town / Parish:** Wix Parish Council

**Applicant:** Ms J Zheng - Northeast Real Estate Development Ltd

**Address:** Land to The rear of White Hart House Harwich Road Wix

**Development:** Approval of reserved matters for approved application 19/01215/OUT (Variation of condition 12 of application 12/01135/OUT to amend turning facilities)

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

Wix Parish Council                      Not commented on this application

### **2. Consultation Responses**

ECC Highways Dept  
08.04.2021

It is noted that this application concerns variation of Condition 12, to amend the turning facilities following internal layout amendments and landscaping of site following incorporation of site levels; in principal the Highway Authority does not object to the proposals as submitted.

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 - Development Management Team  
Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester,  
CO7 7LT

2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Essex County Council  
Heritage

Built Heritage Advice pertaining to an application for: Approval of reserved matters for approved application 19/01215/OUT (Variation of

06.04.2021

condition 12 of application 12/01135/OUT to amend turning facilities).

The development concerns the Grade II listed White Hart Inn (List UID: 1240452).

ECC Heritage were not consulted on the previous outline applications pertaining to development at this site.

ECC Heritage do not believe the proposals approved under the application 19/01215/OUT to be a scheme sympathetic to the setting of the listed property, however, the principle of development has been established here. Paragraph 200 of the NPPF encourages local planning authorities to look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance. In my opinion this has not been achieved in the schemes at this site.

Given the existing unsympathetic and harmful permitted schemes at the site, ECC Heritage do not believe the proposals would result in additional less than substantial harm to the setting and significance of the heritage asset.

Were this application to be approved ECC Heritage recommend the external finish materials, windows and doors be conditioned.

### **3. Planning History**

|                 |   |          |            |
|-----------------|---|----------|------------|
| 12/01135/OUT    | Construction of 10 no houses with associated access road and car parking in lieu of the erection of a 36 bed motel.   | Approved | 22.07.2013 |
| 16/00871/DETAIL | Reserved matters application for approval of landscaping and appearance, for construction of 10 no houses with associated access and parking, including discharge of condition 7 (site levels), 15 (bicycle storage), 16 (onsite parking/loading) and 17 (wheel and underbody cleaning facilities) of planning permission 12/01135/OUT. | Approved | 10.11.2016 |
| 19/00740/FUL    | Proposed new dwelling.  | Approved | 07.11.2019 |
| 19/01215/OUT    | Variation of condition 12 of application 12/01135/OUT to amend turning facilities.  | Approved | 14.11.2019 |
| 19/01275/DISCON | Discharge of conditions 16 (parking) and 17 (cleaning facilities) for approved application 12/01135/OUT.  | Approved | 17.09.2019 |
| 19/01784/DISCON | Discharge of conditions 03 (materials) and 05 (boundary treatment) of planning permission   | Approved | 02.12.2019 |

19/00740/FUL.

|                 |  |          |            |
|-----------------|--|----------|------------|
| 01/01581/FUL    | Renewal of consent TEN/96/1599 for 18 room motel with parking and landscaping  | Approved | 30.06.2003 |
| 03/02002/LBC    | Remove existing extensions and outbuildings and erect new extension. Change of use to dwelling   | Refused  | 07.01.2004 |
| 03/02003/FUL    | Remove existing extensions and outbuildings. Change of use from Public House to dwelling   | Refused  | 07.01.2004 |
| 03/02158/OUT    | Proposed residential developments for 8 dwelling   | Refused  | 24.12.2003 |
| 07/00616/FUL    | The erection of a 36 bed motel. As amended by Application Forms, Letter and Drawing No. 30365/101 Revision D received by email on 23rd October 2008.   | Approved | 30.10.2008 |
| 11/00042/FUL    | Change of use from mixed use comprising public house and dwelling, to single dwelling incorporating demolition of single storey flat roofed extension and reinstatement of rear elevation including small lean-to extension.     | Approved | 25.10.2011 |
| 11/00043/LBC    | Change of use from mixed use comprising public house and dwelling, to single dwelling incorporating demolition of single storey flat roofed extension and reinstatement of rear elevation including small lean-to extension.     | Approved | 25.10.2011 |
| 11/00777/FUL    | The erection of a 36 bed Motel. As amended by application forms, letter and drawing no. 30365/101 Revision D received by email on 23rd October 2008. ( Extension of time on previously approved 07/00616/FUL).                   | Approved | 06.10.2011 |
| 12/01135/OUT    | Construction of 10 no houses with associated access road and car parking in lieu of the erection of a 36 bed motel.  | Approved | 22.07.2013 |
| 16/00871/DETAIL | Reserved matters application for approval of landscaping and appearance, for construction of 10 no houses with associated access and parking, including discharge of condition 7 (site levels), 15 (bicycle storage), 16 (onsite | Approved | 10.11.2016 |

|                 |  |          |            |
|-----------------|--|----------|------------|
|                 | parking/loading) and 17 (wheel and underbody cleaning facilities) of planning permission 12/01135/OUT.   |          |            |
| 16/01826/FUL    | Erection of two bay garage/cart house.   | Approved | 27.01.2017 |
| 17/00978/DISCON | Discharge of condition 04 (materials) of planning permission 16/01826/FUL.   | Approved | 14.06.2017 |
| 18/01999/DETAIL | Variation of condition 1 of approved application 16/00871/DETAIL to replace drawing no. 2024-201, 2024-202, 2024-203, 2024-204, 2024-205, 2024-206, 2024-207 and 2024-208 with 3316-VA-10, 3316-VA-11, 3316-VA-12, 3316-VA-13, 3316-VA14 and 3316-VA-50. | Approved |            |
| 19/00740/FUL    | Proposed new dwelling.   | Approved | 07.11.2019 |
| 19/01215/OUT    | Variation of condition 12 of application 12/01135/OUT to amend turning facilities.   | Approved | 14.11.2019 |
| 19/01275/DISCON | Discharge of conditions 16 (parking) and 17 (cleaning facilities) for approved application 12/01135/OUT.   | Approved | 17.09.2019 |
| 19/01784/DISCON | Discharge of conditions 03 (materials) and 05 (boundary treatment) of planning permission 19/00740/FUL.  | Approved | 02.12.2019 |
| 20/01557/DISCON | Discharge of conditions 5 & 6 (access and signage) of approved planning application 19/01215/OUT.  | Approved | 16.12.2020 |

#### **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    |
| HG3  | Residential Development Within Defined Settlements |

|       |  |
|-------|--|
| HG6   | Dwelling Size and Type   |
| HG7   | Residential Densities  |
| HG9   | Private Amenity Space  |
| HG14  | Side Isolation   |
| EN6A  | Protected Species  |
| EN11A | Protection of International Sites European Sites and RAMSAR Sites    |
| TR1A  | Development Affecting Highways                                       |
| TR7   | Vehicle Parking at New Development                                   |
| EN23  | Development Within the Proximity of a Listed Building                |
| COM6  | Provision of Recreational Open Space for New Residential Development |

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

|      |  |
|------|--|
| SPL2 | Settlement Development Boundaries          |
| SPL3 | Sustainable Design                         |
| LP2  | Housing Choice                             |
| LP3  | Housing Density and Standards              |
| LP4  | Housing Layout                             |
| PPL4 | Biodiversity and Geodiversity              |
| PPL9 | Listed Buildings                           |
| HP5  | Open Space, Sports & Recreation Facilities |

*Local Planning Guidance*

*Essex County Council Car Parking Standards - Design and Good Practice*

### **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. In this latter regard, as of 26<sup>th</sup> January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10<sup>th</sup> December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally

compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26<sup>th</sup> January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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 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, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). 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.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

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

### **Site Description**

The application site is located to the northern side of Harwich Road within the parish of Wix. To the south east of the site is White Hart Inn, a Grade II Listed Building. The site is outside of a recognised Settlement Development Boundary within the Saved Tendring District Local Plan (2007), but falls within the Settlement Development Boundary for Wix within the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

### **Planning History**

12/01135/OUT - Approval - Construction of 10 no houses with associated access road and car parking in lieu of the erection of a 36 bed motel.

16/00871/DETAIL - Approval - Reserved matters application for approval of landscaping and appearance, for construction of 10 no houses with associated access and parking, including discharge of condition 7 (site levels), 15 (bicycle storage), 16 (onsite parking/loading) and 17 (wheel and underbody cleaning facilities) of planning permission 12/01135/OUT.

19/01215/OUT - Approval - Variation of condition 12 of application 12/01135/OUT to amend turning facilities.

19/01275/DISCON - Approval - Discharge of conditions 16 (parking) and 17 (cleaning facilities) for approved application 12/01135/OUT.

### Proposal

This application seeks planning permission for the appearance of plots 1 and 10 following internal layout amendments and landscaping of the site following incorporation of site levels under reference 19/01215/OUT.

The following reserved matters are being assessed under this application for Plot 1 and Plot 10:

- Appearance
- Landscaping

### Assessment

The main considerations for this application are:

- Principle of Development
- Scale, Layout and Appearance
- Impact upon Neighbouring Amenities
- Highway Safety and Parking Provision
- Trees and Landscaping
- Financial Contribution - RAMS
- Financial Contribution - Open Space
- Requirements of Outline
- Other Considerations

#### 1. Principle of Development

The principle of development has been established through the granting of outline planning under reference 12/01135/OUT and 19/01215/OUT. Therefore, this application is subject to the detailed consideration below.

#### 2. Scale, Layout and Appearance

Paragraphs 127 and 170 of the NPPF state that developments should add to the overall quality of the area, be visually attractive as a result of good architecture and be sympathetic to local character, including the surrounding built environment.

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan (2007) seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward within Policy SPL3 of the emerging Local Plan.

In terms of the changes to plot 1 and 10, there are fenestration changes to the front elevation which incorporates the introduction of a window and reduction in a window. The changes are considered to create symmetry to the dwelling. A window is introduced to the rear elevation, the window to the side elevation is made slightly bigger and a single window is changed to a double window to the other side elevation. It is considered that the changes in fenestration will create a positive impact upon the appearance of the dwelling.

#### 3. Impact upon Neighbouring Amenities

The NPPF, in paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or

other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 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. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

In terms of the impact of the fenestration changes to plot 1 and 10, the changes will have a neutral impact upon neighbouring amenities.

#### 4. Highway Safety and Parking Provision

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 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. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Access to the site has been agreed under planning reference 12/01215/OUT and therefore does not form part of this application.

#### 5. Trees and Landscaping

It is considered that the proposed changes to the landscaping are considered acceptable. A condition will be imposed to ensure that the works are carried out in line with the submitted landscaping plan.

#### 6. Heritage Impact

Policy EN23 of the Adopted Plan states that development within the proximity of a Listed Building that would adversely affect the setting of a Listed Building, including group value and long distance views, will not be permitted. The sentiments of this policy are carried forward within policy PPL9 of the Emerging Plan.

The application site is located adjacent to the north-west of White Hart Inn, which is a Grade II Listed Building.

The Historic Environment Team have been consulted on this application and have stated that given the existing unsympathetic and harmful permitted schemes at the site, they do not believe the proposals would result in additional less than substantial harm to the setting and significance of the heritage asset.

#### 7. Financial Contribution - RAMs

Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

Having considered the proposed avoidance and mitigation measures above, Tendring District Council conclude that in this instance it would be unreasonable to seek mitigation measures. The



development has commenced and this application relates solely to the turning facilities sited towards the front of the application site. This application seeks to amend the original planning permission which has commenced and does not involve any increase to the number of properties to be built.

Having made this appropriate assessment of the implications of the plan or project for the site it is concluded that the application does not fall within the scope of RAMS and as such a contribution will not be sought.

#### 8. Financial Contribution - Open Space

Again, in this instance, the Council consider it would be inappropriate to request a financial contribution toward open space or play space facilities in the area as part of this revised application as the previous permission has been commenced works. The application seeks to amend the fenestration and landscaping only.

#### 9. Requirements of Outline

The application was approved subject to a number of conditions:

- 1 Approved Plans
- 2 New parking and driveway areas - Porous materials
- 3 Construction Hours
- 4 Site Levels - approved under 16/00871/DETAIL
- 5 Westernmost access - approved under 12/01135/OUT
- 6 Easternmost access - approved under 12/01135/OUT
- 7 Pedestrian Visibility Splay
- 8 Visibility Splays
- 9 Vehicular Turning Facility - approved under 19/01215/OUT
- 10 Parking Facilities - approved under 19/01215/OUT
- 11 No unbound materials
- 12 Bicycle Storage - approved under 16/00871/DETAIL
- 13 Onsite parking facilities for construction workers - approved under 16/00871/DETAIL
- 14 Details of Wheel and underbody cleaning facilities - approved under 16/00871/DETAIL
- 15 Bus Stop Improvement
- 16 Noise Exposure Assessment Report as approved under 12/01135/OUT

Conditions 1-14 and 16 will not be imposed. Condition 15 needs to be fully discharged.

#### 10. Other Considerations

Wix Parish Council have not commented on this application

1 letter of objection has been received raising the following concerns:

- Concerns over the access to the site
- Concerns with the impact of the access and the neighbouring boundary wall

In response to the concerns above, this application is to establish the appearance and landscaping of plot 1 and 10 only. The access of the application site was established under planning application 12/01135/OUT. In relation to the neighbouring boundary wall, this is a civil matter.

## 6. **Recommendation**

Approval - Reserved Matters/Detailed

## 7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No. PA-301  
Drawing No. PA-302  
Drawing No. PA-LOC

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

- 2 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the amended landscaping details drawing number PA-300 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 - To ensure the adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character and quality of the development.

## 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.

### Requirement of Outline

Condition 15 of planning reference 19/01215/OUT needs to be discharged.

|   |     |    |
|---|-----|----|
| <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 |