

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		MP	03/10/24
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		ML	03/10/2024
Assistant Planner final checks and despatch:		ER	04/10/2024

Application: 24/01225/VOC **Town / Parish:** Wix Parish Council

Applicant: Mr Francis Obrien

Address: Potters Cottage Harwich Road Wix

Development: Application under Section 73 of the Town and Country Planning Act for Variation of Condition 2 (Drawings/Documents) of application 22/00593/FUL to allow for change of roof tiles.

1. Town / Parish Council

Wix Parish Council No comments received.

2. Consultation Responses

N/A

3. Planning History

01/01731/OUT	To build one bungalow/cottage to replace former cottages	Refused	03.12.2001
02/00578/FUL	Use of disused cottages building for self-catering holiday accommodation	Refused	23.05.2002
03/01393/FUL	Reinstatement as a single dwellinghouse.	Refused	19.02.2004
05/01304/OUT	New dwelling	Refused	15.09.2005
10/00446/FUL	Erection of single storey dwellinghouse (retention of existing building).	Refused	25.08.2010
10/00650/FUL	Construction and use of building as a dwellinghouse on the site of the former Mayflower Cottages.		14.06.2010
11/00958/FUL	Erection of single storey dwellinghouse (relocation and retention of existing building).	Approved	22.11.2011
12/01325/FUL	Relocation and retention of existing building to form single storey dwellinghouse (resubmission of 11/00958/FUL).	Approved	24.09.2013

14/00994/DISCON	Discharge of Conditions 02 (Method Statement), 04 (Hard and Soft Landscaping) and 06 (Screen Walls and Fences) of planning permission 12/01325/FUL.	Approved	01.09.2014
22/00593/FUL	Retention of single storey dwelling and proposed single storey front extensions.	Approved	08.09.2023

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>

There are no neighbourhood plans relevant to this location.

6. Relevant Policies / Government Guidance

National:

NPPF National Planning Policy Framework 2023
National Planning Practice Guidance

Local:

Tendring District Local Plan 2013-2033 and Beyond Section 1 (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
PPL4 Biodiversity and Geodiversity
PPL10 Renewable Energy Generation
CP1 Sustainable Transport and Accessibility

Supplementary Planning Guidance:
Essex Design Guide

7. Officer Appraisal

Site Description

The application site is Potters Cottage, which lies on the north side of Harwich Road to the east of the main settlement for Wix. The site is enclosed to the road frontage by a continuous 1.8m high close boarded fence with a gap for a vehicular access into the site set at an angle to the road with recessed entrance gates. The character of the surrounding area is relatively mixed; there is residential built form further out to the west and south, however the immediate surrounding area is dominated by large areas of grassed or agricultural land.

The site falls outside of a recognised Settlement Development Boundary within the adopted Local Plan 2013-2033.

Planning History

The site has a long and complex planning history, however that most pertinent to this current planning application is permission 22/00593/FUL, which was granted in September 2023. This granted approval for the retention of the single storey dwelling known as Potters Cottage and which included single storey front extensions to provide enlarged bedroom space.

Description of Proposal

This application seeks planning permission for the variation of Condition 2 (approved plans) of 22/00593/FUL, and specifically seeks to amend the approved roof tiles. Previously the tiles were to match the existing dwelling, whereas now it is proposed to use slate tile.

Assessment

1. Principle of Development

The principle of development has previously been established within the determination of application 22/00593/FUL, with this permission remaining extant until 5th September 2026. Therefore, matters instead turns towards more detailed considerations as discussed below.

2. Visual Impacts

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. Policy SPL3 and LP4 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout which create a unique sense of place.

The proposed alterations will see a change in the roof materials, which would now be a slate tile. On this occasion, Officers consider that the works proposed are of a minor scale, and the materials are of a good quality. In addition, the site is well screened and there will only be limited views of the works. Overall, the works will not result in any harmful visual impacts to the street scene or character of the area and are therefore not objected to on these grounds.

3. Impact on Residential Amenity

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 and future 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 existing cottage stands parallel with the boundary with Tile Cottage which faces the road at right angles. However, Officers acknowledge that the proposal merely seeks to amend the roof materials and will not result in any increase in the dimensions of the structure. As such the proposal will result in a neutral impact to existing amenities.

4. Ecology and Biodiversity

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 25sqm of habitat, or 5m of linear habitats such as hedgerow). This proposal is not therefore applicable for Biodiversity Net Gain.

Other Considerations

A legal agreement to secure a financial contribution towards RAMS was agreed within planning application 22/00593/FUL and has since been paid. There is therefore no requirement to secure a new legal agreement.

Wix Parish Council has raised no objections.

No other letters of representation have been received.

Conclusion

The proposal for the amended roof materials is not considered to result in any visual harm to the character of the area and will also not impact upon the amenities of neighbouring properties. Accordingly, the application is considered to comply with local and national planning policies and is therefore recommended for approval.

8. Recommendation

Approval.

9. Conditions

- 1 CONDITION: The works to which this consent relate must be begun not later than 5th September 2026.

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 consent becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk of both Enforcement Action and Criminal proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

- 2 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.

22/00593/FUL:

101D - Site Plan, Existing and Proposed Block Plans, Existing and Proposed Floor Plans and Elevations - Received 09.08.2022

24/01225/VOC:

Document titled 'Planning statement in relation to a Variation of Conditions application at Potters Cottage, Harwich Road, Wix, Manningtree, Essex, CO11 2SA'.

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 CONDITION: There should be no obstruction above ground level within a minimum 2m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided at the road junction/access and retained free of obstruction above 600mm at all times.

REASON: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety.

- 4 CONDITION: Prior to the first occupation of the development, details of a vehicular turning facility shall be approved, in writing, by the Local Planning Authority. The turning facility shall be constructed, surfaced and thereafter maintained free from obstruction within the site at all times for vehicular use only.

REASON: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

- 5 CONDITION: The access hereby approved shall have a bound material surface and shall be laid out for a minimum distance of 5 metres from the edge of the carriageway prior to first use. The bound material as implemented shall then be retained thereafter.

REASON: In the interests of highway safety to prevent hazards caused by loose materials on the highway.

NOTE/S FOR CONDITION:

Carriageway is the part of a road intended for vehicles rather than pedestrians normally define by kerb if available or edge of a bound surface. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

- 6 CONDITION: Notwithstanding the provisions of the Town & Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) there shall be no gates/fence and/or other means of enclosure within six metres from the edge of the carriageway at the point of access unless details are first agreed, in writing, by the local planning authority. Any gates to be erected on site that may be approved, shall only open into the site and not over any area of the public highway at any time.

REASON: In the interests of highway safety.

NOTE/S FOR CONDITION: Carriageway is the part of a road intended for vehicles rather than pedestrians normally define by kerb if available or edge of a bound surface. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

- 7 CONDITION: Any boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

REASON: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

- 8 CONDITION: Prior to the first occupation of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be retained thereafter and remain free of obstruction except for the purpose of loading/unloading/reception and storage of materials and manoeuvring and used for no other purpose. Any other area within the site outlined in red not identified shall not be used as loading/unloading/reception and storage of materials and manoeuvring areas.

REASON: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety.

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.

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:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO
Has there been a declaration of interest made on this application?		NO