

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	16/08/2018
Planning Development Manager authorisation:	AN	21/8/18
Admin checks / despatch completed	AN	28/8/18

Application: 18/01291/DEMCON **Town / Parish:** Clacton Non Parished

Applicant: Bramwood Property Developments Ltd

Address: Barn/Outbuilding Foots Farm Thorpe Road

Development: Demolition of existing barn/outbuilding.

1. Town / Parish Council

Clacton – No Town Council

2. Consultation Responses

n/a

3. Planning History

00/01200/FUL	Use of land and buildings for keeping horses	Approved	20.09.2000
TRE/96/13	Reduce Willow by pond	Current	14.05.1996
02/01308/FUL	Erection of building to be used as an indoor riding school for the disabled	Approved	11.09.2002
04/01053/FUL	Retention of barn for riding school and continued use of remainder of site for grazing and stabling of horses	Approved	04.08.2004
05/01657/TPO	Pollard 2 Willows, adjacent to farm pond, to previous cutting points	Approved	21.10.2005
17/30196/PREAPP	Proposed erection of 9 dwellings.		31.07.2017
18/00200/DEMCON	Demolition of outbuildings/barns/stables adjacent to farmhouse.	Determination	07.03.2018
18/00550/FUL	Proposed erection of 10 bungalows with associated parking facilities.	Withdrawn	09.04.2018

18/00598/FUL	Proposed erection of 9 bungalows with associated parking facilities, served via improvements to and an extension of the existing private drive.	Approved	11.06.2018
18/00865/TPO	1 No. Oak - Reduce crown by 2.5-3m, raise crown to 4m, remove sub-laterals only.	Approved	25.06.2018
18/01080/TPO	3 No. Oak - Reduce crown by 3m, 1 No. Oak - Reduce crown by 2m, 1 No. Oak - Raise crown by 3.5m	Approved	23.07.2018
18/01240/DISCON	Discharge of Conditions 3 (landscaping), 11 (ecological enhancements) and 12 (construction method statement) of 18/00598/FUL.	Current	
18/01267/FUL	Proposed erection of 5 bungalows with associated parking facilities following the demolition of an existing dwelling house.	Current	
18/01291/DEMCO N	Demolition of existing barn/outbuilding.	Current	

4. Relevant Policies / Government Guidance

n/a

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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, 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. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

5. Officer Appraisal (including Site Description and Proposal)

- The application gives notification to demolish a barn/outbuilding associated with Foots Farm, Thorpe Road, Clacton-on-Sea.

The building is located in a setback position from Thorpe Road to the east and 60m to the north of dwellings on the Foots Farm estate to the south.

As the building is not listed and does not lie within a conservation area planning permission is not required for their demolition.

The purpose of applications for Prior Notification of Proposed Demolition is to give local planning authorities the opportunity to regulate the details of demolition in order to minimise the impact of that activity on local amenity. However, given the absence of any residential properties sited in close proximity and the low key scale of the building to be demolished it is considered that the proposed demolition is of inadequate consequence to require the application to be called in subject to guidance as detailed in the decision letter.

As such the demolition of the buildings does not require prior approval and is permitted development under Schedule 2, Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015.

6. Recommendation

Prior Approval – Not Required

7. Conditions

n/a

8. Informatives

Protected species (bats & barn owls) are known to use this site and the surrounding area. All species of bats/barn owls and their breeding sites or resting places (roosts) are protected under Regulation 41 of The Conservation of Habitats and Species Regulations 2010 and Section 9 of the Wildlife and Countryside Act 1981. It is an offence for anyone intentionally to kill, injure or handle a bat/barn owl, to possess a bat/barn owl (whether live or dead), disturb a roosting bat/barn owl, or sell or offer a bat/barn owl for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats/barn owls for shelter, whether they are present or not. For further guidance please see www.naturalengland.org.uk

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