

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	14/01/2018
Planning Development Manager authorisation:	AN	14/11/19
Admin checks / despatch completed	AN	15/11/19

Application: 18/00914/FUL

Town / Parish: St Osyth Parish Council

Applicant: Mr Ronald Gibbs

Address: Land at Heath Road St Osyth

Development: Erection of storage shed, and polytunnel/greenhouse for use in conjunction with market garden use.

1. Town / Parish Council

St Osyth Parish Council Erection of storage shed, and polytunnel/greenhouse for use in conjunction with market garden.

Objections on the basis that there is no evidence of a garden market on this site, either current or historical. The application is not clear as to the reason for the 'hatched area' designated as A, B and C, which is not owned by the applicant.

Additionally, the site is deemed too small to support such a venture, the access for which is via a 'green lane', the ownership of which is unknown.

St Osyth Parish Council The Parish Council would reaffirm its comments of 20th August 2018, and add that:

There are objections on the basis that despite assurance from the landowner, there is still no evidence of a market garden on this site, either current or historical.

Additionally the tracks affording access to and from the site from Clay Lane and Heath Road are deemed to be much narrower than the suggested width of 6 metres.

2. Consultation Responses

Environmental Protection I have reviewed the application and have no adverse comment to make.

ECC SuDS Consultee Thank you for your email which provides Essex County Council (ECC) with the opportunity to assess and advise on the proposed surface water drainage strategy for the aforementioned planning application. As the Lead Local Flood Authority (LLFA) ECC provides advice on SuDS schemes for major developments. ECC have been statutory consultee on surface water since the 15th April 2015. In providing advice this Council, and their appointed consultants, looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage

Systems Design Guide

- The CIRIA SuDS Manual (C753)

- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the planning application and the associated documents which accompanied the planning application, we have identified that this application will not have a significant impact on surface water drainage and therefore we shall have no further comments accordingly in relation to this application.

However please consider the following conditions/informatives if relevant for the development;

Conditions

1) Surface Water Drainage - Prior to the commencement of the development details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:

- Run-off from the site is limited to greenfield rates for a storm event that has a 100% chance of occurring each year (1 in 1 year event).

- The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.

2) Sustainable Urban Drainage- Prior to commencement of the development no works shall take place until a detailed Sustainable Urban drainage scheme as specified in the Essex Sustainable Drainage Systems Design Guide 2014 submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation of the development and should include and not be limited to;

3) Maintenance - Prior to first occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing, by the local planning authority.

4) Flood Risk Assessment - The measures contained within the Flood Risk Assessment a copy of which was submitted with the planning application and forms part of this permission, shall be fully implemented and in place prior to the first occupation of the development and retained as such thereafter.

5) Flood Risk Assessment 2 - Notwithstanding the details set out in the Flood Risk Assessment submitted with the application, no development shall be undertaken unless and until a method statement has been submitted to and approved in writing by the local planning authority detailing:-

- The flood mitigation measures to be incorporated into the detailed design of the dwelling(s)

- The provision for the installation of removable flood barriers such as flood boards to form part of the detailed design of the doorways and vents/airbricks on the exterior of the property

- The provision of non-return valves to all sanitary outlets to prevent backflow during a flood

6) Flood Mitigation Measures - Development shall not be commenced until a scheme for the provision and implementation of flood mitigation measures has been submitted to and approved in writing, with the Local Planning Authority. The scheme shall be carried out in its entirety before the development is first occupied and constructed and completed in accordance with the approved plans and in line with the

Environment Agency documents "Improving the flood performance of new buildings" and "Prepare your property for flooding: A guide for householders and small businesses."

Informatives

- In discharging condition X where the surface water drainage strategy proposes the use of soakaways the details of the design and the results of a series of percolation tests carried out upon the subsoil in accordance with DG 365 2016. You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, and whether it will be rubble filled.
- In discharging condition X where discharging to a watercourse the proposed scheme shall include details of the destination and discharge rates equivalent to "greenfield runoff" and no greater than 5 litres per second up to and including a 1 in 100 year rainfall event. This is typically achieved by installing some form of attenuation on site e.g. temporary storage.
- In discharging condition X if discharging to a watercourse, ditch, stream etc, the applicant must demonstrate that the system is an appropriate point of discharge for the site i.e would take existing pre-development flows. If not then further information/assessment will be required to determine the suitability of the system to convey the proposed flows and volumes of water. Evidence will be required that the development will not increase risk to others. If the proposed discharge point is outside the development site then the applicant will need to demonstrate that the necessary permissions and or agreements to achieve connection are possible.
- Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.
- No works to infill ditches should be undertaken without prior consent from Essex County Council. You should also be aware that works of this nature may require planning permission
- No raising of land in flood plains should take place without prior consent from Essex County Council. You should also be aware that works of this nature may require Environment Agency consent if in a flood plain.
- The removal of land drains likely to interrupt the flow may require prior consent from Essex County Council on 08457430430 or floods@essex.gov.uk. You should also be aware that works of this nature may require planning permission

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is

fundamental to managing flood risk, ECC advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

ECC Highways

See email dated 30 November 2018.

3. Planning History

04/01449/FUL	Organic egg farm and temporary accommodation.	Refused	30.09.2004
06/00125/FUL	Free range egg unit and temporary accommodation for 4 years	Refused	27.04.2006

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

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

EN1 Landscape Character

EN13 Sustainable Drainage Systems

EN16 Agricultural and Related Development

TR1A Development Affecting Highways

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

SPL3 Sustainable Design

PP13 The Rural Economy

PPL3 The Rural Landscape

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to a parcel of land approximately 1.11 hectares in size located to the south of Heath Road and to the east of Clay Lane, St. Osyth.

The site is relatively flat and mostly laid to grass with some existing vegetation around the boundaries of the site.

Description of Development

The application seeks full planning permission for the erection of a 10m x 4 m x 4.2m high timber shed with a felt roof and a 10m x 4 m x 2.5m high polytunnel to facilitate the use of the site as a market garden.

The use as a market garden is classed as agriculture and does not require a change of use. The site is too small to benefit from agricultural permitted development rights meaning that the structures require planning permission.

The site can be accessed from Clay Lane or Heath Road via existing accesses.

Assessment

The main considerations in this instance are;

- Principle of Development;
- Highway Safety and Access;
- Drainage System/Flooding; and,
- Representations.

Principle of Development

Saved Policy EN16 of the adopted Tendring District Local Plan 2007 states that planning permission will be granted for agricultural buildings if the applicant demonstrates that the proposed development is reasonably necessary for the purposes of agriculture to be carried out on the holding and the design, siting, size and materials of construction ensure that the development would not have an adverse visual impact on the local countryside or landscape character. These sentiments are carried forward within draft Policy PP13 of the emerging Tendring District Local Plan Publication Draft 2017.

- Reasonably necessary for agriculture

The application is accompanied by a short supporting statement explaining the small scale nature of the use and intentions for the operations of the site. This includes a description of the related equipment to be stored within the proposed shed and the produce to be grown within the proposed polytunnel. This satisfactorily justifies the size and requirement for the buildings and their intended use being of a reasonable scale in relation to the site and the use.

- Visual and Landscape Impact

The site and proposed buildings are nestled amongst existing vegetation well set back from both road frontages with built form (dwellings and agricultural buildings) adjacent. The site and buildings are closely related to the existing built up area, will not be publically visible and will not result in any wider landscape impact. The buildings are not excessive and are of a modest size, design and materials suitable for the intended use and site context.

Highway Safety and Access

The site is served by existing accesses. The site will not be open to the public.

The accesses are existing and the proposal is not likely to generate any significant increase in vehicular movement above what the site could generate lawfully and Essex County Council Highway Authority raise no objection.

The access lanes are considered sufficient for the use and movement of associated vehicles and there can be no objection on highway grounds.

Drainage System/Flooding

As the site exceeds 1 hectare in size, Essex County Council as the Lead Local Flood Authority has been consulted on the application.

It has been concluded that the development will not have a significant impact on surface water drainage and therefore no objections have been raised.

Suggested conditions have been attached to their response but due to the modest size and nature of the proposed buildings and use, the submission of surface water drainage details, a flood risk assessment or flood mitigation measures are not considered necessary to ensure the acceptability of the development.

Representations

St Osyth Parish Council raise an objection to the application for the following reasons;

- No evidence of the site, existing or historically as a Market Garden.
- The access lanes are much narrower than 6 metres.

The use falls under agricultural uses and does not require planning permission. The Highway Authority raise no objections.

No other letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the proposals, the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be begun before 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 the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Layout Plan dated 13/06/18 amended 14/08/18, Elevations and Floor Plans (Shed) dated 13/06/18 and Elevations of Polytunnel dated 2/7/18.

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

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.