

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	11/04/2019
Planning Development Manager authorisation:	SCE	16.04.19
Admin checks / despatch completed	VNE	18/04/19

Application: 19/00078/FUL

Town / Parish: Tendring Parish Council

Applicant: Mrs V Patten and Mr and Mrs G Simpson

Address: Manor Field Thorpe Road Tendring

Development: Proposed barn and sheep shelter including track from existing vehicular access and associated bunds and planting.

1. Town / Parish Council

Tendring Parish Council does not object to the application for the proposed locations of the barn and shelter.

2. Consultation Responses

Tree & Landscape Officer

The application site is currently in agricultural use and there are no existing structures on the land.

The proposal to erect a barn and field shelter will not improve the local landscape character although the structures are of a nature that would not appear incongruous in their setting.

The applicant has submitted indicative details of soft landscaping intended to screen the structures when viewed from the highway.

In terms of the impact of the structures on the local landscape it is considered that a combination of the topography of the site considered alongside the distance from which the structures can be seen, from a public place, and the proposed soft landscaping will ensure that they are satisfactorily assimilated into their setting.

Details of soft landscaping should be secured by condition

ECC Highways Dept

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

- Prior to occupation of the site, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 215 metres x 2.4 metres x 215 metres east and west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

- Prior to works taking place on site, the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway as shown in principle on the Proposed Block Plan, drawing no. MFT/ 2. The width of the access at its junction with

the highway shall be 6 metres provided with a bell mouth of 6m. radius kerbs to connect to the existing edge of carriageway on Thorpe Road on both sides of the junction, straight for the first 15m within the site .

- Prior to occupation of the site, details of the construction and future maintenance of the existing culvert and bridging/ piping of the drainage ditch/watercourse under the access shall be submitted to and approved in writing by the Lead Local Flood Authority (Essex County Council)

- Prior to occupation of the site a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

- As indicated on Proposed Block Plan, drawing no. MFT/ 2 no unbound material shall be used in the surface treatment of the vehicular access within 15 metres of the highway boundary.

- Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 15 metres from the back edge of the carriageway.

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

3. Planning History

18/01503/AGRIC	Proposed lambing & sheep shelter.	Determinati on	05.10.2018
19/00078/FUL	Proposed barn and sheep shelter including track from existing vehicular access and associated bunds and planting.	Current	

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

EN1 Landscape Character

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

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 supply of deliverable housing sites that the Council can demonstrate 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 located on the southern side of Thorpe Road to the east of the village of Tendring. The site comprises of land equating to approx. 13 hectares in size which is currently in arable farm use. To the Thorpe Road frontage the site is largely open but contains several small trees. There is an existing farm track entrance onto Thorpe Road. The site slopes down towards the south and west where the eastern boundary is terminated by a brook. The majority of the site is bordered by areas of woodland on its southern, eastern and western boundaries.

Proposal

This application proposes the erection of a barn and sheep shelter on the land along with a centrally located access track and bunds/planting to assist in screening the development.

The barn would be situated 280m south of Thorpe Road and would be screened by a bund on its northern and western sides. The barn would measure 23m x 12.2m in footprint and 6m to ridge at its highest point.

The shelter would measure 23m x 12.5m and 5m to ridge. The shelter would be set 190m back from Thorpe Road and a small bund is proposed to its northern side.

The access track would run in a straight line from Thorpe Road down to the barn and would be complemented by an avenue of trees on either side. Other pockets of tree and hedge planting are proposed within the site and along the Thorpe Road frontage. This is through a grant supplied by the Woodland Trust to plant over 800 trees on the land in associated with its use as a sheep farm.

Appraisal

Visual and Landscape Impacts

The development proposals are situated on a large field which is relatively open in views from Thorpe Road to the north. As a result the structures will be visible. However, The shelter and the barn are set back a significant distance from the highway and due to the slope in the land will be viewed as reduced structures in public views from Thorpe Road. Information contained within the supporting statement confirms that the sheep shelter will be on ground 2.5m lower than Thorpe Road and the barn 3.3m lower. These changes in ground levels along with the considerable amount of tree/hedging planting proposed means that the structures would not appear unduly prominent.

The Council's Trees and Landscaping Officer has provided the following comments;

The application site is currently in agricultural use and there are no existing structures on the land. The proposal to erect a barn and field shelter will not enhance the local landscape character although the structures are of a nature that would not appear incongruous in their setting.

The applicant has submitted indicative details of soft landscaping intended to screen the structures when viewed from the highway. In terms of the impact of the structures on the local landscape it is considered that a combination of the topography of the site considered alongside the distance from which the structures can be seen, from a public place, and the proposed soft landscaping will ensure that they are satisfactorily assimilated into their setting.

The specific details of the landscaping scheme and the surface material of the proposed track will be secured by condition.

Residential Amenities

The two buildings are located a significant distance from any nearby residential properties thereby not causing any harm to amenity. In terms of the site access this would be situated opposite

residential properties. However, it must be noted that there is an existing farm track in this location and the movements associated with the proposed use is considered to be low.

As a result the impact upon local resident's amenity would be minimal.

Highway Considerations

ECC-Highways have no objections to the access arrangements subject to the following conditions;

- Prior to occupation of the site, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 215 metres x 2.4 metres x 215 metres east and west;
- Prior to works taking place on site, the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway as shown in principle on the Proposed Block Plan, drawing no. MFT/ 2. The width of the access at its junction with the highway shall be 6 metres provided with a bell mouth of 6m. radius kerbs to connect to the existing edge of carriageway on Thorpe Road on both sides of the junction, straight for the first 15m within the site;
- Prior to occupation of the site, details of the construction and future maintenance of the existing culvert and bridging/ piping of the drainage ditch/watercourse under the access shall be submitted to and approved in writing;
- Prior to occupation of the site a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
- No unbound material shall be used in the surface treatment of the vehicular access within 15 metres of the highway boundary.
- Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 15 metres from the back edge of the carriageway.
- Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Upon receipt of these comments amended plans have been received reflecting the access specification requirements. The required visibility splays can also be achieved without removing any roadside vegetation. All the hedging shown on the Thorpe Road frontage is to be set 1m behind the visibility splay as per highway requirements.

Other Considerations

Tendring Parish Council does not object to the application for the proposed locations of the barn and shelter. No further letters of representation have been received.

6. Recommendation

Approval

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 Prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction.

Reason - To enhance the visual impact of the proposed works.

- 3 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details 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 enhance the visual impact of the proposed works.

- 4 Prior to occupation of the site, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 215 metres x 2.4 metres x 215 metres east and west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason -To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety.

- 5 Prior to occupation of the site, details of the construction and future maintenance of the existing culvert and bridging/ piping of the drainage ditch/watercourse under the access shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall then be retained thereafter.

Reason: To prevent or reduce the risk of flooding of the adjoining highway, in the interests of highway safety.

- 6 No unbound material shall be used in the surface treatment of the vehicular access within 15 metres of the highway boundary.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety

- 7 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 15 metres from the back edge of the carriageway.

Reason - To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety.

- 8 Any new 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.

- 9 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers MFT/2A, MFT/3 and MFT/4.

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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highway Informatives

Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway

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.

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 or by post to:

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

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