

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NM	23/05/19
Planning Development Manager authorisation:	AN	23/5/19
Admin checks / despatch completed	ER SB	24/5/19 24/05/19

Application: 19/00272/FUL **Town / Parish:** St Osyth Parish Council

Applicant: Mr Matthew Low

Address: St Osyth Lodge Farm Clacton Road St Osyth

Development: Proposed steel framed portal building with fibre cement roof and clad in steel sheeting.

1. Town / Parish Council

St Osyth Parish Council No objections.

2. Consultation Responses

Environmental Protection I can confirm that EP have no comments to make in relation to this application.

Please note that that the application states that there will be no storage of hazardous waste on site however if there is to be storage of any fuels or oils in relation to the machinery storage then the following will apply:

Essex County Council
Archaeology

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The building proposed for the above development will be located in currently undeveloped and agricultural land adjacent to the existing farm complex. Aerial photography has identified a large cropmark complex in the area of Lodge Farm. Previous excavation to the northwest in advance of quarrying revealed a large Neolithic causewayed enclosure of three roughly concentric circuits of discontinuous ditches. Within the interior of the monument were Neolithic pits, a pond barrow, Middle Bronze Age ring-ditches and Early and Middle Bronze Age cremations. A middle Iron Age enclosed settlement consisting of roundhouses, granaries and other post-built structures was also uncovered (EHER18332). The density of features was far higher than the cropmark evidence suggested. This site would likely be considered 'of schedulable quality' had the site not been quarried. Adjacent to the area of the proposed barn further causewayed enclosures and a potential Neolithic cursus monument have been identified through aerial photography located within this wider prehistoric landscape. Any groundworks associated with this development has potential to impact on significant archaeological remains.

The following recommendation is made in line with NPPF:
Recommendation: Full condition

'No development or preliminary ground works of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority'

Further Recommendations:

A professional team of archaeologists should undertake the archaeological work. A brief outlining the level of archaeological investigation will be issued from this office on request. The District Council should inform the applicant of the recommendation and its financial implications.

3. Planning History

07/00633/CMTR	Continuation of use as an agricultural reservoir without compliance with condition 2 (plan details, shape of reservoir) attached to planning permission ESS/13/07/TEN to allow completion and extension of the agricultural reservoir.	Determination	08.10.2007
09/01308/CMTR	Continuation of use as an agricultural reservoir without compliance with condition 2 (plan details, shape of reservoir) attached to planning permission ESS/13/07/TEN to allow completion and extension of the agricultural reservoir.	Determination	08.03.2010
11/00341/CMTR	Discharge of conditions 6 and 11 of application ESS/50/09/TEN to discharge details of the landscape and aftercare scheme.	Determination	17.04.2012
12/01081/FUL	Installation of three micro scale wind turbines (14.97m to hub, 5.6m diameter blades).	Approved	28.11.2012
14/00264/FUL	36m x 24m storage building.	Approved	02.05.2014
14/01505/COUNO T	Conversion of an agricultural building to residential dwellinghouse.	Determination	02.12.2014
15/00083/COUNO T	Conversion of agricultural building to a dwelling.	Determination	27.03.2015
15/01202/FUL	Erection of 3 bedroom single storey dwelling with associated amenity space and ancillary works.	Refused	29.09.2015

16/00037/FUL	Two storey extension.	Approved	09.03.2016
17/01470/COUNOT	Conversion of agricultural building into a dwellinghouse.	Determination	23.10.2017
17/01910/DISCON	Discharge of conditions 1 - 4 (land contamination) of 17/01470/COUNOT.	Withdrawn	24.01.2018
18/00761/FUL	Proposed change of head unit (hub and blades) of two of the existing 5kW HY5 wind turbines with equivalent Britwind R9000 5kW wind turbine components.	Approved	04.07.2018
19/00272/FUL	Proposed steel framed portal building with fibre cement roof and clad in steel sheeting.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

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

PPL3 The Rural Landscape

SPL3 Sustainable Design

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 site relates to St Osyth Lodge Farm, Clacton Road, St Osyth and the character of the surrounding area is largely rural, with large areas of open agricultural land further to the west of the site. The site does not fall within a recognised Settlement Development Boundary, as agreed in both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Proposal

The application proposes retrospective planning permission for the erection of a steel framed portal building with fibre cement roof and clad in steel sheeting which will measure 11 metres in width, 35 metres in depth with an overall height of 6.3 metres.

Assessment

The main considerations for this application are the;

- Principle of development
- Visual Impact
- Impact upon neighbouring amenities
- Environmental Protection
- Archaeology

Principle of development

The application complies with Policy EN1 of the Adopted Local Plan which states that the quality of the districts landscape and its distinctive local character will be protected and, where possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted. Development control will seek in particular to conserve the following nature and man made features which contribute to local distinctiveness; estuaries and rivers and the undeveloped coast, skylines and prominent views, including those of ridge tops and plateau edges, the settings and character of settlements and of attractive and/or vernacular buildings within the landscape, historic landscapes, listed parks and gardens, ancient woodlands and other important woodland, hedgerows and trees, native species of landscape planning and local building materials and the traditional character of protected lanes, other rural lanes, bridleways and footpaths. Where a local landscape is capable of accommodating development, any proposals shall include suitable measures for landscape conservation and enhancement. The proposed structure adheres to the above policy and therefore the principle of development is acceptable subject to the detailed consideration below.

Visual Impact

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 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 in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed building will be located to the south west of the application site. It will be situated approximately 496 metres from the street scene and therefore it is considered that it will not cause any significant impact upon Clacton Road. The building will be constructed from Juniper green steel box profiled sheeting, fibre cement six roof sheets, LED flood lights and black plastic guttering and down pipes which are materials that are in keeping with the rural character of the area. Furthermore, the scattering of a number of existing buildings within the site ensure that the proposal will not significantly harm the open character of the area.

Impact to Neighbouring Amenities

The NPPF, at paragraph 17 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 Saved Plan 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 (June 2017).

To the north of the proposal are two dwellings; Lodge Farm Cottages. Given the separation distance between the application site and the neighbouring dwellings, as well as the intended use of the building it is concluded that the proposed scheme would not have any impacts on the amenities enjoyed by these distant neighbours.

Environmental Protection

Environmental Protection have been consulted on the application and have no objection. The officer has stated that the application states that there will be no storage of hazardous waste on site however if there is to be storage of any fuels or oils in relation to the machinery storage then the following will apply: Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls.

Archaeology

Essex County Council Archaeology Officer was consulted on the application and has provided the following comments:

The building proposed for the above development will be located in currently undeveloped and agricultural land adjacent to the existing farm complex. Aerial photography has identified a large cropmark complex in the area of Lodge Farm. Previous excavation to the northwest in advance of quarrying revealed a large Neolithic causewayed enclosure of three roughly concentric circuits of discontinuous ditches. Within the interior of the monument were Neolithic pits, a pond barrow, Middle Bronze Age ring-ditches and Early and Middle Bronze Age cremations. A middle Iron Age enclosed settlement consisting of roundhouses, granaries and other post-built structures was also uncovered (EHER18332). The density of features was far higher than the cropmark evidence suggested. This site would likely be considered 'of schedulable quality' had the site not been quarried. Adjacent to the area of the proposed barn further causewayed enclosures and a potential Neolithic cursus monument have been identified through aerial photography located within this wider prehistoric landscape. Any groundwork associated with this development has potential to impact on significant archaeological remains. The following recommendation is made in line with NPPF: Recommendation: Full condition.

The application is for retrospective planning permission and after discussions with the officer it was discussed that this condition cannot be imposed. The building is steel framed and bolted into the ground, so ground disturbance will have been minimal.

Other Considerations

St Osyth Parish Council have no objection to the application.

There have been no other letters of representation received.

Conclusion

In the absence of any significant material harm as a result of the proposed development, the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No. DB19015/002a, Drawing No. G[2], Drawing No. G [1], Low lighting plan scanned 29th April 2019.

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.

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