

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	08/08/19
Planning Development Manager authorisation:	AN	12/8/19
Admin checks / despatch completed	SB	13/08/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	EK	13/08/19

**Application:** 19/00910/FUL **Town / Parish:** St Osyth Parish Council

**Applicant:** Mr Lord - WLH Farms

**Address:** Wellwick Farm Colchester Road St Osyth

**Development:** Variation of condition 2 (approved drawings) for approved application 18/00940/FUL to amend layout of holiday homes, and reduce from five to four.

### 1. Town / Parish Council

Mr Parish Clerk St Osyth Parish Council      No objection.

### 2. Consultation Responses

Natural England      Thank you for your consultation.

Natural England currently has no comment to make on the variation of condition 2.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

ECC Highways Dept      It is noted that this application only concerns condition 2. Highway Authority does not object to the proposals as submitted and as set out in the Planning, design and access statement.

Informative 1: 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.

### 3. Planning History

00/01622/TELCO M	One 15-metre monopole complete with three cross polar antennas, two dish antennas, one radio equipment housing and development ancillary thereto	Determinati on	02.11.2000
07/01552/TELLIC	Installation of Telecommunications equipment.	Determinati on	04.10.2007

#### 4. **Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

EN6 Biodiversity

EN6A Protected Species

ER16 Tourism and Leisure Uses

ER20 Occupancy Timescales

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR3A Provision for Walking

TR7 Vehicle Parking at New Development

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

CP1 Sustainable Transport and Accessibility

PP8 Tourism

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

#### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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**

### Site Description

The application relates to Wellwick Farm, which is located to the north of Colchester Road within the parish of St Osyth. The site itself is currently set to rough grass and contains several isolated Oak trees. To the north-east is some built form in relation to the farm, as well as two residential properties; however the overall character is generally rural in nature, with large areas of grassed and agricultural land. The site is outside of a recognised Settlement Development Boundary within both the Saved Tendring District Local Plan (2007) and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft

### Site History

Under planning reference 18/00940/FUL, planning permission was granted permission for the development of five holiday homes for year-round use.

### Description of Proposal

This application seeks to vary condition 2 (approved plans) of 18/00940/FUL. The proposal will see an amended layout that will reduce the number of holiday homes from five to four.

The four holiday homes will each be slightly larger in width and depth than previously approved, and will be sited to the western section of the site, broadly in accordance with the previous layout but on more spacious plots.

### Assessment

#### 1. Principle of Development

Policy ER16 of the Adopted Local Plan states that proposals for tourism and leisure uses will be permitted provided that:

- a) the development is accessible to all potential visitors and users;

*The application site is located outside of a recognised settlement development boundary, with the nearest settlement being St Osyth approximately 650m to the south. However the site itself is highly accessible via Colchester Road to the south and in close relation to the existing Oaklands holiday park to the north-west. Therefore this criterion is met.*

b) there is suitable vehicular and public transport access to the site and parking provision, especially where the proposal is likely to generate large traffic volumes. Proposals should be located close to the main road network and link to other public rights of way wherever possible;

*The site was previously approved for five holiday homes, therefore the reduction to four is considered to result in slightly less traffic volumes. The site is linked to Colchester Road to the south and has an existing suitable access point. There is suitable parking provision within the site, whilst Essex Highways Authority has not objected. Further, there is a direct link to a Public Right of Way that runs to the south towards the main settlement of St Osyth. Therefore this criterion is met.*

c) the type of use proposed would not cause undue disturbance by reason of noise. Uses creating high levels of noise should be located well away from residential property and sensitive wildlife areas;

*There are two neighbouring properties located to the north of the proposal; however there is an approximate separation distance of 25 metres. The site is also mainly open grass land and does not contain sensitive wildlife areas. Further, the use relates to four holiday homes, which is not considered to generate large levels of noise disturbance. Therefore this criterion is met.*

d) there will not be an adverse effect on agricultural holdings and the proposal would not result in an irreversible loss of high quality agricultural land; and

*The site is to be located on grassed land and there will therefore be no impacts to any high quality agricultural land as a result of the proposed development.*

e) where appropriate opportunities are taken to improve damaged and despoiled landscapes and enhance the landscape character of the area.

*The site is currently large open grassed land, with no special visual merit. The submission of a soft landscaping scheme would also reduce the impacts of the proposed development.*

## 2. Design, Layout and Appearance

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 four holiday homes are to be located approximately 220m north of Colchester Road in relatively close proximity to existing urban built form. The layout plan shows them to be sited to the western boundary. Views from the west will be largely restricted from existing mature vegetation to this boundary, whilst subject to a soft landscaping scheme it is considered the proposal can assimilate well within its surroundings. The low number and relatively small size will ensure they do not radically impact the character of this rural area.

## 3. Highway Safety and Parking

Essex County Council as the Highway Authority has been consulted on the application and has stated that they have no objections. A condition ensuring that speed-related signage is erected along the roadway leading to the site will be carried over from previous permission 18/00940/FUL.

Furthermore, there is sufficient parking provision within the site, in the form of hardstanding areas, to accommodate the necessary parking spaces (measuring 5.5m x 2.9m) for each of the four holiday homes.

## 4. Tree and Landscapes Impacts

The application site is set to rough grass and contains several isolated Oak trees, which are visible and have good amenity value. Taking into account the positioning of the trees and the

development, it is not considered necessary for the applicant to provide a tree survey and report. However a condition will be attached to this decision to secure details of the way that the roots of the retained trees will be protected for the duration of the construction phase of the proposed development; this will involve establishing the extent of the Root Protection Areas of the trees and avoiding works within those areas unless specialist construction techniques are used.

In terms of the landscape impacts, a condition will be attached to this decision to ensure a soft landscaping scheme is submitted to both soften and partially screen the development from view.

#### 5. Biodiversity

Within previous planning permission 18/00940/FUL the applicant has submitted a Preliminary Ecological Appraisal Report. This report concluded that subject to a number of recommendations, including hedgerow improvements, hedgerow planting and the provision of artificial nesting boxes and bat boxes, the proposal will result in an overall enhancement of the site for wildlife. The condition originally imposed on this decision will be carried forward on to this decision.

#### 6. Occupancy

Policy ER20 of the Adopted Local Plan states the occupation of all types of holiday units, including chalets and caravans, will not be permitted between 14 January and 1 March in any year. Occupancy may be further restricted to the period of 1 March to 31 October where the site lacks necessary and appropriate infrastructure and services for longer occupation, and is in an area of flood risk or adjacent to a site designated for reasons of nature conservation.

The proposal seeks the four holiday homes to be for year-round use as it is evident that tourism is no longer limited to the summer months and that the homes are to be designed to enable year-round use. Whilst this does not accord with the above (2007) policy, it is noted the site does not fall within a recognised Flood Zone, nor is it adjacent to a designated site. A condition will be carried across that ensures the site owners maintain an up to date register of names of all owners/occupiers of individual holiday homes on site with their main home address will ensure the holiday homes are not used for full-time residential occupation.

#### Other Considerations

St Osyth Parish Council have no objections.

There have been no other letters of representation received.

#### **6. Recommendation**

Approval.

#### **7. Conditions**

- 1 The development hereby permitted shall be begun before 15 August 2021.

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:

18/00940/FUL - document titled 'Preliminary Ecological Appraisal Report'

19/00910/FUL - documents titled 'Location Plan', 'Planning, Design and Access Statement' dated May 2019, and drawing numbers 1497HSL, 4567 (5110) and J4566(S5111).

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

- 3 The caravans shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operators of the site shall maintain an up to date register of the names of all owners/occupiers of holiday homes on site and of their main home addresses. The register shall be made available at all reasonable times for inspection by the Local Planning Authority.

Reason - To ensure the holiday homes are at no time used as full-time residential accommodation.

- 4 No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which 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 soften and enhance the appearance of the proposed development, especially when viewed from the public right of way.

- 5 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 soften and enhance the appearance of the proposed development, especially when viewed from the public right of way.

- 6 No development shall take place until the existing trees on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping, have been protected by the erection of temporary protective fences of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.

Reason - To protect the retained trees on site.

- 7 Development shall be carried out in full accordance with the recommendations as highlighted within Section 6 of the Preliminary Ecological Appraisal Report submitted within application 18/00940/FUL and maintained in perpetuity thereafter.

Reason - In order to enhance the development of the site for local wildlife.

- 8 Prior to the first use of any of the hereby approved holiday homes, at the junction of the Public Footpath No 2 (St Osyth) and Colchester Road and then at 50m intervals to and from the site access, M.O.T. approved signage indicating vehicle speeds no greater than 15 mph and pedestrians in the road signs shall be erected and maintained in clear view of pedestrians and motorists, and retained thereafter.

Reason - To ensure the continued safe passage of pedestrians on the definitive right of way.

## 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.

### Highways Informatives:

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.