

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	07/11/19
Planning Development Manager authorisation:	AN	11/11/19
Admin checks / despatch completed	CC	15.11.19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	KAO	15/11/19

**Application:** 19/01614/AGRIC                      **Town / Parish:** St Osyth Parish Council

**Applicant:** Mr Sargeant

**Address:** St Osyth Priory The Bury St Osyth

**Development:** Installation of an agricultural track.

### 1. Town / Parish Council

St Osyth Parish Council      No comment.

### 2. Consultation Responses

N/A

### 3. Planning History

00/00701/LBC	Re-ordering of interior and opening up of 3 No blocked up windows (East Gate House)	Withdrawn	04.05.2000
00/00702/LBC	Internal re-ordering and insertion of a short section of patent glazing in slope of existing roof (Darcy House West Wing)	Approved	21.08.2000
00/01337/LBC	Gate House - West Range. Re-ordering of interior, opening up of existing doorway, forming new doorway in existing window opening, forming new doorway in existing door and window opening, replacing window and forming new terrace	Approved	10.01.2001
00/01343/LBC	Gate House - East Range. Re-ordering of interior, opening up of 3 No. blocked up windows and forming new window in gable.	Approved	20.03.2001
00/01501/LBC	Demolition of part of the boundary wall to allow rebuilding in association with other structural repairs	Approved	01.03.2001
00/01623/LBC	Re-ordering of interior, lowering threshold of external doorway,	Approved	10.01.2001

	raising ground floor, adding rooflight - Bailiffs Cottage		
00/01880/FUL	Alterations to former staff accommodation to form 4 No. self contained flats - Darcy House East Wing	Approved	25.04.2001
00/01881/LBC	Darcy House East Wing - Re-ordering of interior, stripping out of external metal stairs, minor revisions to openings in external walls	Approved	25.04.2001
TPC/97/74	Works to Mulberry	Current	27.10.1997
DP/V/9D(38)	Unauthorised works to trees adjacent to the Highway	Current	
TPC/96/13	Works to comply with highway requirements	Current	04.04.1996
TPC/95/29	Fell dead Walnuts, Yew and surgery to Lime	Current	31.07.1995
TPC/13/84	Various works to trees	Current	15.10.1984
TPC/12/84	Various works to trees	Current	15.10.1984
01/00116/FUL	New build garages and metal park rail fences	Approved	29.03.2001
01/00117/LBC	New build garages and metal park rail fences	Approved	29.03.2001
01/00763/FUL	Conversion of The Abbot's Tower into a dwelling	Approved	25.02.2002
01/00780/LBC	The Abbot's Tower - external/internal alterations	Current	25.05.2001
01/01084/FUL	Repair to existing building fabric extension to lean-to to accommodate office/administration space. New staircase to first floor The Brewhouse.	Approved	23.08.2001
01/01710/FUL	Conversion of disused dairy into office accommodation with sanitary and rest facilities (The Dairy)	Approved	21.11.2001
01/01711/LBC	Conversion to office use with associated staff facilities. Internal and external works (The Dairy)	Approved	21.11.2001
01/01712/FUL	Re-location, repairs and minor alterations to existing barn (The	Refused	21.11.2001

	Cart Shed)		
01/01713/LBC	Re-location, repairs and minor alterations (The Cart Shed)	Refused	21.11.2001
01/01768/TCA	Felling, and works to various trees	Approved	23.11.2001
01/02078/FUL	Re-location, repairs and minor alterations to existing barn (The Cart Shed)	Refused	08.01.2002
01/02079/LBC	Re-location, repairs and minor alterations (The Cart Shed)	Refused	08:01.2002
01/02112/FUL	Change of use from vacant to office (The West Barn)	Approved	27.03.2002
97/00414/CMTR	(Land at St Osyth Quarry, Colchester Road, St Osyth) ESS/21/97/TEN(R) - Environment Act 1995 - Review of Mineral Planning Permissions - Application for Determination of Conditions		03.06.1997
06/00589/FUL	Enclosure by 1200mm high park rail fence and formalisation of casual parking.	Refused	24.08.2006
06/01353/LBC	Gate House - West Range. Ground Floor - blocking of doorways, new and reused internal doors, re-ordering of interior with new partitions. First Floor - removal of existing walls to bedrooms 1 and 4 to form an ensuite and a bathroom.	Approved	06.11.2006
06/01355/LBC	Alterations including removal of existing soil vent pipes and rain water pipes and fitting of new soil vent pipe and boiler flue to inner roof slope. Fix external door shut to kitchen/utility. Renew floors to dining room and kitchen. New door to utility room. Remove original utility room cupboard from first floor bedroom and re-erect in utility room. Insert roof lights in lieu of existing hatches so as to improve roof access for maintenance. Relocate door in bedroom 2 east wall. Relocate curved first floor eastern stair and construct new floor over the stairs. New walls to form bedroom 4; repair of ceiling and redirection of internal rainwater via new internal rain water pipe. Fix shut door to adjacent range.	Approved	10.07.2007

	New bathroom to first floor.		
06/02050/FUL	Change of use from office to residential.	Approved	30.03.2007
07/00486/FUL	Rationalisation of and improvements to existing car parking, formation of a new highway access with safe sight lines and erection of a park rail fence with both vehicular and pedestrian gates.	Refused	31.05.2007
07/00858/FUL	Use as a venue for marriage in accordance with Marriage Act, 1949 and/or Civil Partnership Act 2004.	Approved	14.12.2007
07/01205/FUL	Relocation of unsafe access.	Refused	29.10.2007
08/00718/FUL	Alterations and extension; change of use to a house.	Approved	03.04.2009
09/00507/ADV	5m x 10m banner with image of Abbots Tower and Company information to be displayed temporarily.	Refused	25.06.2009
09/00685/TCA	Engine Pond: Fell 2 Birch, fell 7 Alder. Breeches Pond: Fell 59 Sycamore, fell 1 Elm, Coppice 8 Alder, Fell 1 Alder. Dolphin Pond: Fell 23 Sycamore, fell 1 Ash, fell 6 Horse chestnut, coppice 3 Alder, fell 2 Alder.	Withdrawn	06.08.2009
09/00877/TCA	Phase 1 Tree Removal Nun's Wood. Removal of trees in accord with revised schedule. Engine Pond - Sycamore x 1, Alder x 2, Birch x 1 Breeches Pond - Sycamore x 54, Elm x 1, Alder x 10 Dolphin Pond - Ash x 2, Sycamore x 25, Alder x 1, Horse chestnut x 6	Approved	28.09.2009
09/01139/FUL	Proposed new archery ground and relocation of existing site accommodation including club hut and storage container plus one additional container.	Refused	10.02.2010
11/00328/FUL	Erection of 23 dwellings; new access road; driveways; parking; landscaping and all ancillary works (following demolition of 1 dwelling to form access).		13.06.2014
11/00329/FUL	Erection of 46 dwellings; new		13.06.2014

	access road; driveways; parking; landscaping and all ancillary works (following demolition of 1 dwelling to form access).		
11/00330/FUL	Erection of 33 dwellings; new access road; driveways; parking; landscaping and all ancillary works (following demolition of 1 dwelling to form access).		13.06.2014
11/00331/FUL	Erection of 21 flats within a new "Maltings" style building; new access road; driveways; parking; landscaping and all ancillary works (following demolition of 1 dwelling to form access).		13.06.2014
11/00332/FUL	Erection of 19 dwellings for use as residential and holiday accommodation (C3 use); restoration of park landscape; bunding; re-grading of 9 hectares of land; construction and alterations to access driveway; landscaping and all ancillary works.		13.06.2014
11/00333/OUT	Erection of 190 dwellings on 16.3 hectares of land; new junction and access roads; driveways; parking; footpaths; landscaping and all ancillary works; use of land as an archery range; construction of access drive and layout of parking area including siting of storage container for archery equipment. The proposals also include for a new footway to be built along a section of Colchester Road, south of the Wellwick.	Approved	18.03.2016
11/00334/FUL	Construction of a visitor centre/function room suite; part change of use and alteration to Darcy House for use as a function room; internal and external alterations and all ancillary works.		13.06.2014
11/00335/LBC	Alterations to Darcy House to extend window opening to ground level, insert quoins in stone and retain upper section of window as a fanlight, adapting transom to receive door and install oak frame and door to match west wing north door (but with a straight rather than arched head).	Approved	18.09.2014
11/00336/CON	Demolition of detached dwelling at 7 Mill Street.		13.06.2014

11/01479/TCA	Area 13 - phased removal of sycamore. Area 9 - low key thinning of the sycamore and coppicing of alder and thorn. Wet 14 - sycamore removal particularly to the south of the pond. Area 15a - removal of immature sycamore adjacent to the five ponds, coppicing rotation for some of the alder, thorn and laurel.	Approved	12.01.2012
12/00184/FUL	Alterations and extension; change of use to a house. (Extension of time on previously approved 08/00718/FUL)	Approved	06.03.2013
12/01285/LBC	Re-ordering of interior with the opening up of windows and the forming of a new window in the gable.	Approved	08.10.2013
12/01312/FUL	New build garages, access and metal park rail fences.	Approved	26.07.2013
12/01316/FUL	Conversion of Abbots Tower into 1 no. 3 bedroom residential unit.	Approved	23.10.2013
13/00880/TCA	Area 13 - the trees to be removed or coppiced are marked on site. These trees equate to 80% of the trees in the area. Area 9 - the trees to be removed or coppiced are marked on site. These trees equate to 30% of the trees in the area. Kitchen Pond (Wet 14) - the trees to be removed or coppiced are marked on site. These trees equate to 20% of the trees in the area. Area 15 a - the trees to be removed or coppiced are marked on site. These trees equate to 30% of the trees in the area. Areas 15 b & d - the trees to be removed or coppiced are marked on site. These trees equate to 30% of the trees in the area. Area 14 - the trees to be removed or coppiced are marked on site. These trees equate to 50% of the trees in the area. Areas 7 & 8 - the trees to be removed at present equates to approximately 10% of the current total number of trees in the area.	Approved	03.09.2013
13/00904/TCA	6 No. Willows - Pollard and coppice to enable ditch/fence to be erected and also for maintenance as many have broken and fallen over	Approved	12.09.2013

13/00905/TCA	12 No. Oak , 7 No. Sweet Chestnut - all within Priory Park and avenues - to be pollarded	Approved	12.09.2013
13/00906/TCA	1 No. Poplar - fell due to unsuitable for location. Replacement Cedar already planted which is historically; correct probably 25 years old.	Approved	12.09.2013
14/00955/FUL	Restoration of historic park landscape; bunding; re-grading of approximately 9 hectares of land; construction and alterations to access driveway; landscaping and ancillary works.	Withdrawn	13.08.2014
14/00993/LBC	Taking down carefully and re- building of East Gatehouse & chimney.	Approved	15.09.2014
14/01008/FUL	Creation of a Visitor Centre in the Tithe barn, Cart Shed, Dairy and adjacent paddock including changes of use to A1, A3, B1, D2 and conference/functions/wedding reception use; construction of extensions; internal and external alterations and all ancillary works shown on the drawings.	Approved	09.01.2015
14/01009/LBC	Creation of a Visitor Centre in the Tithe barn, Cart Shed, Dairy and adjacent paddock including changes of use to A1, A3, B1, D2 and conference/functions/wedding reception use; construction of extensions; internal and external alterations and all ancillary works shown on the drawings.	Approved	09.01.2015
15/01060/FUL	Removal of section of boundary wall fronting Mill Street and rebuild on a new reinforced concrete foundation.	Approved	09.09.2015
15/01061/LBC	The taking down of a failing section of the boundary wall fronting the road in Mill Street and rebuilding it on a new reinforced concrete foundation to match original appearance.		05.08.2015
16/00141/TCA	5 No. Sycamore - fell to help access to gateway.	Approved	01.03.2016
16/00656/FUL	Demolition of existing property at 7 Mill Street and the creation of 72 no. two, three and four bedroom houses, plus associated roads, car	Approved	18.11.2016

	parking, garages and landscaping.		
16/00671/FUL	Erection of 17 dwellings for use as residential and holiday accommodation (C3 use); restoration of park landscape; bunding; re-grading of 9 hectares of land; construction and alterations to access driveway; landscaping and all ancillary works.	Approved	18.11.2016
16/00780/TCA	Coppice max 30% Willow & Blackthorn, Pollard 30% of young Oak, pruning rest as Oak standards. Coppice max 30% Willow & Blackthorn, Pollard 30% of young Oak, pruning rest as Oak standards. Coppice max 30% Willow & Blackthorn, Pollard 30% of young Oak, pruning rest as Oak standards. Young Sycamore & Elder - Fell. Thinning out max 13 Sycamore. Pollard 30% of young Oak, pruning rest as Oak standards. Clear young Sycamore & Elder. Retain fallen Willows regenerating through coppicing/pollarding. Clear all young Sycamore & elder. Coppice Cherry Laurel. Thin young Sycamore leaving 20% canopy. Regenerate 30% Hazel, Hawthorn through coppicing. Clear all Elder around historic features. Coppice all Cherry Laurel. Remove 100% of young Sycamore & Elder on compartment fringes. Thin out Sycamore standards on historic features leaving less than 10 mature standards. Remove all Elder and young Sycamore. Pollard mature Willow. Remove all Elder and young Sycamore. Pollard/coppice mature Willow. Coppice 30% - Willow. Coppice 30% of young Willow, Hawthorn/Blackthorn. Pollard/coppice 30% mature split Willows. Remove all Elder & dead Elm on higher ground. Thin planted tree belt 50% favouring native species. Coppice young shrub species. Phase one veteran Oak crown reduction. Coppice Elm boundary hedge (230m). Cut down Elm stem over 1ha. Open up Seal Pond on south side, pollarding/coppicing Willows. Thin small belt area (0.2ha) by 50%. Phase out over 5 years 90%	Approved	21.06.2016



recently planted historically Cherry. Thin and prune all trees. Coppice a max. of 30% shrub species. Clear 100% Elder. 'High' coppice whole hedge length (162m).

16/00786/FUL	Proposed new build garages, access and metal park rail fences.	Approved	29.07.2016
17/00471/FUL	Demolition of pump-house building (including the removal of boilers/flue) and the erection of a building adjoining the bury boundary wall, for uses as a store.	Approved	16.06.2017
17/00472/FUL	Erection of new substation building (containing emergency generator and bunded diesel tank) and subterranean gas governor valve.	Approved	16.06.2017
17/00634/FUL	Variation of condition 3 of planning permission 16/00671/FUL - To allow the re-location of Lake House North and South Lodge.	Approved	19.12.2018
17/00674/LBC	Demolition of pump-house building (including the removal of boilers and flue) and the erection of a building adjoining the bury boundary wall for use as a store.	Approved	16.06.2017
17/00712/TCA	4 No. Lime - Pollard and re-shape.	Approved	24.05.2017
17/01175/FUL	Variation of condition 3 of 16/00656/FUL to allow amendments to the elevations and layout of Phase 1 and removal of condition 14 part e to remove the requirement to relocate the bus stop.	Approved	21.12.2018
17/01843/FUL	Variation of condition 2 of 11/00333/OUT - condition to be amended from "application for approval of the reserved matters (listed above) shall be made to the Local Planning Authority before the expiration of three years from the date of the permission" To - "application for approval of the reserved matters (listed above) shall be made to the Local Planning Authority before the expiration of five years from the date of the permission".	Approved	
18/01166/FUL	Variation of condition 2 of approved application 17/01175/FUL to allow	Approved	18.04.2019

	amendments to the elevations and layout of Phase 2.		
19/00032/FUL	Variation of Condition 2 (Approved plans) of application 17/00634/FUL - to allow amendments to the elevations of Lake House North and the re-building of the end gable serving Nuns Hall.	Approved	08.04.2019
19/00208/ADV	5 No. signs to advertise development and business activities.	Approved	07.06.2019
19/01171/OUT	Variation of conditions 18 and 30 for application 11/00333/OUT to amend wording of condition 18 to 'Land as identified on drawing RW007-008 Rev D to be used for the relocated Bowmans Archery range shall be retained for that use with any ancillary buildings.' and amend wording of condition 30 to only include the following plans Site Plan showing Application Boundary - CC-0175-ABP010-6, Building Envelope/Use Plan - RW007-008 Rev D and Building Storey Heights Plan - RW007-009 Rev E.	Current	
19/01373/DISCON	Discharge of condition 20 (Travel Pack) of approved application 18/01166/FUL.	Approved	30.09.2019
19/01507/DISCON	Discharge of conditions 3 (Materials); 8 (Wastewater Strategy); 9 (Foul Water Strategy); and 10 (Surface Water Scheme) for approved application 19/00032/FUL (Lake House North only)	Current	
19/01523/FUL	Proposed conversion of the drying shed to a one-bed holiday let.	Current	
19/01524/LBC	Proposed conversion of the drying shed to a one-bed holiday let.	Current	
19/01641/DISCON	Discharge of conditions 06 (Archaeology) and 15 (CEMP) of planning permission 19/00032/FUL.	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 (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 St Osyth Priory, which is land located to the north of Mill Street within the parish of St Osyth.

### Description of Proposal

This is a 'prior notification' under Part 6 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The applicant is seeking the Council's determination as to whether 'prior approval' is required.

The application proposes the erection of an agricultural track made of sand, with a length of 670 metres and a width ranging between 3.5 and 4 metres.

### Assessment

Class A of Part 6 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 allows works for the erection, extension or alteration of a building or any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within an agricultural unit of 5 hectares or more providing that a number of criteria are met, which are related to the location, size and use of the building.

As the area of the agricultural holding is in excess of 5 hectares the proposal falls to be considered under Class A.

The proposal may be permitted development. However, details must be submitted to the local planning authority for a determination as to whether the proposal would comply with the criteria set out in Class A and whether the prior approval of the authority will be required to the siting, design and external appearance of the proposal, as stated in Condition A.2 (2) of Part 6, Class A.

General Permitted Development Order

The proposed agricultural building is not permitted development if the criteria set out in Part 6 (Class A) cannot be met. This criterion is set out and addressed below;

(a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area;

*The applicant has confirmed in the application form that the parcel of land where the development is to be located is in excess of 1 hectare.*

(b) it would consist of the erection or extension of any agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 of this Schedule) where development under Class Q or S of Part 3 (changes of use) of this Schedule has been carried out within a period of 10 years ending with the date on which development under Class A(a) begins;

*Not applicable.*

(c) it would consist of, or include, the erection, extension or alteration of a dwelling;

*The proposal is for the erection of an agricultural track to be used to facilitate access to the fields in line with the ongoing management and upkeep of livestock, and not for the erection, extension or alteration of a dwelling.*

(d) it would involve the provision of a building, structure or works not designed for agricultural purposes;

*Within the supporting statement it states the proposed track will facilitate access to the fields and the temporary setting down of vehicles, with the tracks to be used principally with the ongoing management and upkeep of the livestock, their ongoing welfare and husbandry and to assist with the estate maintenance. The statement further states the proposed agricultural track will ensure there is improved access to the final remaining arable field network for the large farm plant that the tenant farmer uses, such as his combine harvester. The works involved are therefore considered to be for agricultural purposes.*

(e) the ground area which would be covered by-

(i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations; or

(ii) any building erected or extended or altered by virtue of Class A; would exceed 1,000 square metres. This includes any development within 90 metres which occurred in the preceding two years.

*The proposed track does not involve works or structure that will accommodate livestock and is not a building. Therefore this criterion is not applicable.*

(f) the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;

*The proposal is a track so does not have a height so this criterion is not applicable.*

(g) the height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;

*The proposal is a track so does not have a height so this criterion is not applicable.*

(h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;

*The development is not sited within 25 metres from the nearest classified road.*

(i) it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building;

*The proposed track is not for the accommodation of livestock, storage of slurry or sewage sludge.*

(j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or

*The proposal is not to be used in connection with fish farming.*

(k) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system-

(i) would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit; or

(ii) is or would be within 400 metres of the curtilage of a protected building.

*The proposed track is not to be used for storing fuel for or waste from a biomass boiler or an anaerobic digestion system.*

### Siting

The proposed track is to be located to southern and western sections of the site. While the site is open it is situated to the rear of nearby development and is therefore not overly prominent. Given this, and the nature of the proposed works, the track in this location would not be significantly detrimental to the character of the surrounding area.

### Design

The proposed track covers a large distance, however given it will be of a similar height to existing tracks in the surrounding area, it will be an acceptable inclusion. The proposed use of sand is also an acceptable use, and therefore it will not appear incongruous in this location.

## **6. Recommendation**

Determination prior approval not required

## **7. Condition**

- 1 The proposed agricultural track complies with Town and Country Planning (General Permitted Development) England Order 2015, Schedule 2, Part 6 Agricultural and Forestry and the Council's prior approval is not required for the siting, design or external appearance of the development as proposed.

## **8. Informatives**

N/A