

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	3 rd Feb 2020
Planning Development Manager authorisation:	AN	4/2/20
Admin checks / despatch completed	CC	07/02/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	[Signature]	07/02/2020

Application: 19/01900/FUL **Town / Parish:** St Osyth Parish Council

Applicant: Mr David Lord

Address: Wellwick Farm Colchester Road St Osyth

Development: Proposed change of use of land for the storage of static caravans and the laying of a porous hardstanding.

1. Town / Parish Council

Mr Parish Clerk St Osyth
Parish Council

The Parish Council would reaffirm its comments of 17th October 2019, submitted in response to planning application 19/01438/FUL, in that whilst the Parish Council does not object to the application itself, and deems the screening to be in keeping the surrounding area, the Council would draw attention to the fact that the access to the site is close to the proposed junction for the Wellwick development (18/01476/DETAIL refers). Additionally, it should be noted that unless Essex Highways reconsiders its stance as to the lowering of the speed limit as part of planning application 18/01476/DETAIL, caravan transporters will be turning across the path of oncoming vehicles, near a bend in a 60 mph speed limit.

2. Consultation Responses

None received

3. Planning History

00/01622/TELCOM	One 15-metre monopole complete with three cross polar antennas, two dish antennas, one radio equipment housing and development ancillary thereto	Determination	02.11.2000
07/01552/TELLIC	Installation of Telecommunications equipment.	Determination	04.10.2007
18/00940/FUL	Erection of five holiday homes.	Approved	15.08.2018
19/00744/FUL	Erection of five holiday homes.	Approved	
19/00910/FUL	Variation of condition 2 (approved	Approved	13.08.2019

drawings) for approved application 18/00940/FUL to amend layout of holiday homes, and reduce from five to four.

19/01265/OHL	Diversion of a section of high voltage electricity line between Colchester Road and Wellwick Farm.	Current	02.10.2019
19/01438/FUL	Laying of a porous hardstanding for temporary storage of static caravans.	Refused	13.11.2019
19/01900/FUL	Proposed change of use of land for the storage of static caravans and the laying of a porous hardstanding.	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

TR1A Development Affecting Highways

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 (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 (including Site Description and Proposal)

Site Description

The application relates to land to the north of Wellwick Farm, which is located to the north of Colchester Road within the parish of St Osyth. The site itself is currently an open plot of land set mainly to grass, with a Public Right of Way running through it towards the western section of the site. To the south is some built form in relation to the farm, as well as two residential properties to the south-west; 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.

History

On 24th September 2019 an application for planning permission for the 'Laying of a porous hardstanding for temporary storage of static caravans' was made. The area of hardstanding was approximately 2855sqm. The application was refused on 13th November 2019, citing:-

"The application site is located to the north of Wellwick Farm, which includes a number of buildings; however the site itself is an open and prominent plot of land. There is a Public Right of Way running south to north through part of the site from where the public using the route will see the caravans. Against this backdrop it is considered that the proposed development would see the introduction of significant hard landscaping and built form that would serve to urbanise an existing pleasant rural space, thereby causing significant harm to the local landscape and setting a precedent for similar farms of unwanted development to the north, east and west. No evidence has been supplied to demonstrate a need for the proposal that would overcome the harm identified above."

Description of Proposal

This application seeks planning permission for the storage of up to 30 static caravans, to be sited on a porous crushed concrete surface with an area of approximately 2136sqm (a reduction of circa 28% than the previous application); planting is proposed to the north west, north east and south east boundaries and the caravans would be stored at the site on a temporary basis between 6 and 12 months.

Assessment

1. Visual Impact

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 124 is to always seek to secure high quality design.

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).

Adopted Local Plan Policy EN1 states the quality of the district's 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. The sentiments of this are carried forward within Policy PPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The application site is located to the north of Wellwick Farm, which includes a number of buildings; however the site itself is an open and prominent plot of land. There is a Public Right of Way running south to north through part of the site from where the public using the route will see the caravans. Against this backdrop it is considered that the proposed development would see the introduction of significant hard landscaping and built form that would serve to urbanise an existing pleasant rural space, thereby causing significant harm to the local landscape and setting a precedent for similar farms of unwanted development to the north, east and west. No evidence has been supplied to demonstrate a need for the proposal that would overcome the harm identified above.

The proposed block plan indicates that planting is proposed to the north west, north east and south east boundaries. Notwithstanding the proposed planting, the officer notably averred that "while details of soft landscaping could be attached as conditions to any approval decision it is not considered this would sufficiently overcome the concerns highlighted above."

2. Impact to Neighbouring Amenities

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).

There are two residential properties in proximity of the application site; 1 and 2 Wellwick Farm Cottage, located to the south-west. However, given there is a separation distance of approximately 50 metres and there are buildings sited in between which largely restrict views, there will be a neutral impact to existing amenities.

3. Highway Safety

Essex County Council have not been consulted on the application, but stated – in response to the previous application, that as the proposal is for the laying of a porous hardstanding for temporary storage sited some distance from the public highway, they do not object to the proposed scheme.

Other Considerations

The Parish Council reaffirmed its comments of 17th October 2019, submitted in response to planning application 19/01438/FUL, in that whilst the Parish Council does not object to the application itself, and deems the screening to be in keeping the surrounding area, the Council would draw attention to the fact that the access to the site is close to the proposed junction for the Wellwick development (18/01476/DETAIL refers). Additionally, it should be noted that unless Essex Highways reconsiders its stance as to the lowering of the speed limit as part of planning application 18/01476/DETAIL, caravan transporters will be turning across the path of oncoming vehicles, near a bend in a 60 mph speed limit.

In response to this, the comments are noted but as they [still] relate to a separate planning application it would not be reasonable to comment.

It is acknowledged that the application now proposes an element of planting to three of the four boundaries. Notwithstanding this, the officer averred that “while details of soft landscaping could be attached as conditions to any approval decision it is not considered this would sufficiently overcome the concerns highlighted above.”

Conclusion

Insufficient evidence exists that would indicate beyond all reasonable doubt that boundary planting would mitigate against the adverse effect of introducing a significant hard landscaping and built form that would serve to urbanise an existing pleasant rural space, thereby causing significant harm to the local landscape. Planning Law requires that decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. Little weight can be attributed to the suggestion of boundary planting/soft landscaping as it was previously determined that this would not overcome the significant harm to the local landscape caused by the introduction of a significant area of hard-surfacing.

6. Recommendation

Refusal - Full

7. Conditions / Reasons for Refusal

- 1 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 124 is to always seek to secure high quality design.

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).

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The application site is located to the north of Wellwick Farm, which includes a number of buildings; however the site itself is an open and prominent plot of land. There is a Public Right of Way running south to north through part of the site from where the public using the route will see the caravans. Against this backdrop it is considered that the proposed development would see the introduction of significant hard landscaping and built form that would serve to urbanise an existing pleasant rural space, thereby causing significant harm to the local landscape and setting a precedent for similar forms of unwanted development to the north, east and west. No evidence has been supplied to demonstrate a need for the proposal that would overcome the harm identified above.

The proposal therefore fails to adhere to the above national and local policies.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO