

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	WC	11/2/2020
Planning Development Manager authorisation:	AN	11/2/20
Admin checks / despatch completed	CC	11/2/20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	RW	11/02/2020

Application: 19/01597/FUL **Town / Parish:** Mistley Parish Council

Applicant: Mr Walkington-Mayo

Address: Water Works Clacton Road Horsley Cross

Development: Proposed new building to house dosing and monitoring equipment, construction of a new delivery area and erection of a small access kiosk.

1. Town / Parish Council

Mrs Susan Clements

At its Planning Committee Meeting on the 9th January 2020, the Parish Council consider that this application should be approved.

2. Consultation Responses

ECC Highways Dept.

The Highway Authority does not object to the proposals as submitted.

Informative1: 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

Tree & Landscape Officer

The development proposal has the potential to have an adverse impact on a veteran oak situated on the application site and on the existing boundary screening.

The applicant has submitted supporting information to show how the veteran oak will be physically protected for the duration of the construction phase of the development. Additionally it appears that any boundary vegetation needing to be removed to facilitate the proposed works will be replaced on completion of the works. This can be secured by a planning condition.

The information provided adequately demonstrates that the development proposal can be implemented without causing harm to the veteran oak or to other vegetation on the application site

3. Planning History

01/01270/TELCO M	Addition of 1 no. 0.3 m transmission dish	Determinati on	20.08.2001
91/01154/FUL	Revision to approved design (TEN/2025/89) - Filter, washwater and administration block.	Approved	19.11.1991
92/00745/FUL	(Water Tower, Horsley Cross, Mistley) GRP structure to accommodate radio equipment	Approved	31.07.1992
02/02342/TELCO M	Addition of 1 no. 0.6m transmission dish, replacement of 1 no. 3m dish with 1no. 0.2m dish	Determinati on	05.02.2003
06/00759/FUL	Installation of 3 no. 600mm transmission dishes with associated feeder cabling and ancillary works.	Approved	23.06.2006
07/00766/FUL	1 telecommunication cabin, meter cabinet and 5 transmission dishes.	Approved	07.08.2007
93/00007/TELCO M	Antennae and .6m diameter telecoms dish	Determinati on	23.06.1993
97/00001/TELCO M	Telecomms equipment	Determinati on	13.02.1997
97/00022/TELCO M	Alterations to Telecomms cabinet	Determinati on	03.10.1997
09/00590/FUL	Addition of one 800mm transmission dish to an existing water tower installation.	Approved	17.08.2009
11/00794/FUL	Erection of one transmission dish (1.2m diameter) on roof of water tower.	Approved	06.09.2011
19/01597/FUL	Proposed new building to house dosing and monitoring equipment, construction of a new delivery area and erection of a small access kiosk.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

NPPG National Planning Policy 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

EN6 Biodiversity

COM31 Water Supply

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

PPL3 the Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

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.

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)

Proposal

The proposal is to upgrade the water treatment facilities comprising of the following new buildings:

- o Single storey extension (brick) to existing treatment building 10 x 7.6 x 3 metres.
- o Freestanding fibreglass kiosk 4 x 3.75 x 2.6m, 'Holly Green' in colour sited within the grounds on the western boundary of the site.

Site Description:

The site is an existing water works comprising various pump houses, offices and a water tower ring fenced and accessed drive off the B1035 Clacton Road. The site is within open countryside and in quite a prominent position, however the site has been well screened in the past utilising bunding and natural planting.

Assessment:

Principle of development:

Policy COM31 within the adopted Local Plan supported the provision for the maintenance and improvement of water supply infrastructure and therefore in principle the development would be supported, subject to compliance the following considerations.

Design

The design of the extension and kiosk over basement is considered functional in nature and replicates the style and design of other buildings within the site. The extension building will be single storey and therefore of low impact in comparison to the height and size of original building. Brickwork in keeping with the original building is proposed which is considered appropriate for the site.

The proposed kiosk is small in scale and low in height (2.4 metres) located close to the western boundary. Materials are considered appropriate in the form of green fibreglass. The construction of the kiosk will impact on the boundary hedge and mature Oak tree, however it is proposed that the hedge will be re-instated and measures will be put in place to protect the tree during construction. It is proposed that an appropriate condition is imposed for such mitigation measures.

Landscape and biodiversity

The site is within an area of open countryside. Given the scale and height of the buildings and the existing screening/bunding of the site, it is considered the development would have no adverse visual impact on the landscape provided the hedgerow is re-instated and Oak tree is protected.

The site lies within 5km of two international designated sites and within the Impact Risk Zone for a SSSI. The application is accompanied by the Maydencroft Ecological Appraisal (Phase I Habitats survey) which identifies habitats and species on the site. The relevant issues in the report are:

Bats

The veteran oak tree as found to offer potential for roosting bats (in the hollows and splits of the trunk) but no further roosting potential was found on site (Table 3 of report). The report also found there was potential for bat foraging particularly along the hedge and scrub boundaries, but that the site is likely to be used by small numbers of bats for such purposes.

The report identifies possible indirect impact on bats through additional external lighting that might be used at the kiosk and recommends mitigation through control of future additional lighting. In an email exchange with the agent, details of the lighting were described as follows:

"To clarify the external lighting on the kiosk is to be motion activated by PIR and will also be on a timer so should only switch on should the kiosk be attended out of hours and will automatically turn off again. The sensitivity will be set to minimise the number of false activations, it will also be angled to minimise Light Pollution."

"The lighting is necessary due to the particularly isolated and dark location presenting a safety risk to Out-of-hours staff. The kiosk will be attended infrequently as out-of-hours working is on an emergency basis only. All routine maintenance activity takes place during normal working hours."

Give the above, it is considered reasonable not to require a condition for further details on lighting, however the email providing details on the lighting should be included in the condition for approved plans/documentation.

It should be noted that the oak tree will be protected to ensure the potential for bat roosting is protected.

Birds and reptiles

It is confirmed in table 3 of the Maydencroft ecological report that 'The site is unlikely to support ground nesting birds due to the lack of open habitats (which ground nesting birds favour). Wintering birds are also unlikely to on site due to lack of open water. On this basis, an informative is considered sufficient regarding procedures to follow if nesting is found.

With regards to reptiles, it is stated '...the extent of suitable habitat on the Site itself is considered small and unlikely to offer an important resource for reptiles' (table 3 of ecology report). It is considered an informative relating to reptiles and bats is sufficient in this case given the findings of the report.

Further enhancement measures are recommended (section 6 of report) however these are beyond what is necessary to mitigate the biodiversity /landscape impact.

Highway Safety and Parking

The scale and nature of the proposals is not considered to affect the parking requirements for the site. Furthermore there are no objections from the Highways Authority.

Conclusion

The proposal is considered appropriately designed and to have no adverse impact on habitats and species and is considered appropriate in design in terms of impact on the landscape being screened by existing hedging and trees, subject to conditions. Therefore conditional approval is recommended.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 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 The development hereby permitted shall be carried out in accordance with the following approved plans/documentation:

195462_PLN_SP_1.1 received 22 October 2019

195462_PLN_SP_3.1 received 22 Oct 2019

195462_PLN_EL_4.1 received 11th December 2019

Email confirming details of external lighting for kiosk (dated 10th February 2020 from CG, Dalcourmaclaren)

PO19625-NM-16-XX-DR-M-0002 Revision P01 received 11th December 2019

PO19625-NM-00-ZZ-DR-M-0002 Revision P01 received 11th December 2019

PO19625-NM-01-00-DR-C-0010 Revision P01 received 11th December 2019

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

- 3 Tree and hedgerow protection measures in accordance with the submitted Ecological Report (Maydencroft Ltd March 2019) shall be implemented throughout the construction of the development to ensure no damage occurs to the veteran Oak tree and hedgerows.

Reason: In the interest of protection of landscape character and biodiversity.

- 4 The section of hedge line removed during construction shall be immediately reinstated following completion of the development and planted with mixed native species. The plants should be maintained and cared for appropriately to ensure their longevity. If any new plants die within two years of being planted, these should be replaced.

Reason: In the interest of protection of landscape character and biodiversity.

8. Informatives

INFORMATIVE 1: 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.

INFORMATIVE 2:

The clearance of scrub should be done outside the bird nesting season i.e. in the period September to February. If this is not possible all areas to be cleared should first be checked for active nests by an appropriately qualified Ecologist or Natural England. In the event that nesting activity is identified, the clearance works in the vicinity will need to cease until the bird has finished nesting and the young have fledged.

INFORMATIVE 3:

Where possible, impacts to suitable reptile habitat (rank semi-improved grassland, grass/scrub interfaces) should be avoided. However where suitable habitat is to be impacted or removed, precautionary measures will be implemented. This will involve the phased vegetation clearance within the area to be impacted, under supervision by an appropriately qualified Ecologist. A full method statement for this work will be produced by the Ecologist.

INFORMATIVE 4:

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

<p>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</p>	<p>YES</p>	<p>NO</p>
<p>Are there any third parties to be informed of the decision? If so, please specify:</p>	<p>YES</p>	<p>NO</p>