

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	14 th Feb 2020
Planning Development Manager authorisation:	GRG	17/2/2020
Admin checks / despatch completed	CC	17/2/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	SB	17/02/2020

Application: 19/01954/FUL **Town / Parish:** St Osyth Parish Council

Applicant: Mr Low - J A Low and Son

Address: St Osyth Lodge Farm Clacton Road St Osyth

Development: Proposed agricultural building.

1. Town / Parish Council

No comments received

2. Consultation Responses

ECC Highways Dept The proposal site is accessed from and along a private road and is some distant from the adopted Clacton Road. The private road also has Public Right of Way Footpath no. 10 (St Osyth) running across it at one point.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

**Essex County Council
Archaeology** The groundworks required for the building proposed for the above development have been completed without the required archaeological condition being satisfied. I have visited the site and can confirm that any further groundworks will be above the level of the archaeological horizon and have no impact, therefore no archaeological investigation will be required on the remaining works.

The works completed for this development are not extensive, however they lay within an area of high potential for significant archaeological remains. For any future applications in this area information on the foundations or groundworks will be required to be provided with the application to determine potential impact on the archaeological deposits and a programme of archaeological evaluation may be required.

3. Planning History

00/01243/CMTR	Variations to conditions 2 and 12 of planning permission TEN/98/1288 (ESS 51/98/TEN) to allow vehicles to exit the site via Lodge Farm Lane	Determinati on	31.08.2000
01/00393/CMTR	Proposed deletion of Condition 25 of approval application Ess/51/98/TEN - Exportation of	Determinati on	04.05.2001

Minerals

93/00749/FUL	(Lodge Farm, Clacton on Sea) First floor extension to farmhouse	Approved	27.07.1993
97/00116/ADV	(Lodge Farm, opposite Earls Hall Drive, Clacton on Sea) Retention of direction sign	Refused	11.03.1997
98/01288/CMTR	ESS/51/98/TEN - Construction of irrigation reservoir including extraction of sand and gravel (Amended Scheme)	Determinati on	20.01.1998
04/01646/CMTR	Continuation of development approved under ESS/51/98/TEN (cnpstruction of irrigation reservoir including extraction of sand and gravel) without compliance with condition 4 (time limit) and extension of time limit to 31 October 2005.	Withdrawn	05.01.2007
06/00029/CMTR	Completion and extension of an agricultural reservoir by the extraction of sand and gravel and its removal from the site.	Withdrawn	14.06.2006
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.	Determinati on	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.	Determinati on	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.	Determinati on	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	Determinati on	02.12.2014

	dwellinghouse.		
15/00083/COUNOT	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
16/30311/PREAPP	Erection of 3 bedroom single storey dwelling with associated amenity space and ancillary works.	Refused	06.01.2017
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.	Approved	24.05.2019
19/01954/FUL	Proposed agricultural building.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN1 Landscape Character

EN16 Agricultural and Related Development

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

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 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 seeks planning permission for a part-retrospective enclosed steel portal framed agricultural building measuring 27.43 m x 42.64 m (1,169 sq.m) for onion crop storage.

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 manmade 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, situated almost 600 metres from the street scene and therefore it is considered that it will not cause any significant impact upon Clacton Road. The building has been designed to match the adjoining building approved under 14/00264/FUL with the addition of the covered loading bay to keep the crop dry when being loaded in all weathers. The ridge height is 10.67 metres and the eaves height has been kept to a minimum practical height at 6.70 metres which is in keeping with existing buildings at St Osyth Lodge Farm. The side and gable elevations of the building will be clad with insulated composite clad profile sheeting finished in juniper green to the eaves from ground level. The roof of the building will be insulated composite panels and the base inside the building will fitting with an onion drying crop floor.

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, in conjunction with 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.

Archaeology

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 groundworks required for the development had been completed at the time of the site visit. Any further groundworks will be above the level of the archaeological horizon and have no impact, therefore no archaeological investigation will be required on the remaining works.

The works completed for this development are not extensive, however they lay within an area of high potential for significant archaeological remains. For any future applications in this area information on the foundations or groundworks will be required to be provided with the application to determine potential impact on the archaeological deposits and a programme of archaeological evaluation may be required.

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 plans:- un-numbered block plan, Drawing A1 and A2, received 23rd December 2019.

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

- 2 Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway and public right of way footpath no. 10.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety

- 3 The public's rights and ease of passage over public footpath no. 10 (Parish St Osyth - 178) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility.

8. Informatives

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.

The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath/bridleway/byway no.10 (St Osyth) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

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

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