

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	18/11/2020
Planning Development Manager authorisation:	TC	18/11/2020
Admin checks / despatch completed	DB	19/11/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	19/11/2020

**Application:** 20/01159/FUL                      **Town / Parish:** St Osyth Parish Council

**Applicant:** K Gill

**Address:** Wensley Stud Rectory Road Weeley Heath

**Development:** Alterations to approved application 19/01688/FUL to remove caravans and increase the plots for tents, new office/store area.

### 1. Town / Parish Council

No comments received

### 2. Consultation Responses

Natural England  
22.10.2020

Thank you for your consultation, which was received by Natural England on 13 October 2020

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](http://data.gov.uk) website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

#### SUMMARY OF NATURAL ENGLAND'S ADVICE NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

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For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours faithfully  
Corben Hastings  
Consultations Team

Tree & Landscape Officer 22.10.2020 There are no trees or other vegetation on the application site that will be adversely affected by the development proposal.

The Site Layout plan shows fairly extensive soft landscaping around the perimeter of the site and within the main body of the land.

If planning permission is likely to be granted then a condition should be attached to secure further details of the planting proposal shown on the site layout plan.

In such a rural setting the planting should comprise of primarily indigenous species order to complement the existing vegetation,

### **3. Planning History**

01/01011/FUL	Proposed change of use to riding school and livery	Refused	09.08.2001
01/01012/OUT	Proposed indoor arena with office and administration accommodation and barn to store hay	Refused	09.08.2001
93/00185/FUL	(Old Cricket Field, Rectory Road, St Osyth) Proposed playing field for two football pitches, car park and alterations to access	Approved	27.04.1993
02/02246/FUL	Change of use to equestrian centre and associated works	Approved	23.01.2003
02/02247/OUT	Equestrian centre and associated works	Approved	23.01.2003
05/02153/FUL	Proposed equestrian centre.	Approved	10.05.2006
07/01355/FUL	Proposed use as a stud farm (incl stables and haybarn) siting of mobile home to be used as a temporary dwelling for 3 years in conjunction with the business.	Refused	29.11.2007
08/00182/FUL	Proposed use as a stud farm (incl proposed barn and retention of stables), siting of mobile home to be used as a temporary dwelling for 3 years in conjunction with establishing the business.	Approved	03.04.2008
14/01228/OUT	Proposed permanent dwelling.	Approved	16.01.2015
16/01591/FUL	Proposed manege, lunging ring, horse walker and conservation/drainage pond.	Approved	17.02.2017
17/00063/FUL	Proposed dwelling.	Approved	03.05.2017

17/01000/FUL	Alteration to approved planning permission 17/00063/FUL.	Approved	02.08.2017
18/01150/FUL	Proposed cart-lodge & tack room (including office use above).	Refused	14.09.2018
18/01643/FUL	Proposed cart-lodge & tack room (including office use above).	Refused	20.11.2018
19/00045/FUL	Proposed cartlodge and tack room.	Approved	29.03.2019
19/01688/FUL	Change of use to site touring caravans & Tents, to include Toilet & Shower Block.	Approved	03.03.2020
20/00517/FUL	Proposed alteration to approved planning (19/00045/FUL) to allow for home office space above.	Refused	21.07.2020
20/01159/FUL	Alterations to approved application 19/01688/FUL to remove caravans and increase the plots for tents, new office/store area.	Current	

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

NPPF National Planning Policy Framework February 2019  
National Planning Practice 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

EN11A Protection of International Sites European Sites and RAMSAR Sites

ER16 Tourism and Leisure Uses

ER19A Touring Caravans and Tents

ER20 Occupancy Timescales

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

PP8 Tourism

PP10 Camping and Touring Caravan Sites

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities ‘Garden Communities’ proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector’s advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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**

### Proposal

This application seeks permission for the change of use of land to tent pitches for holiday use with a toilet and shower block, and an office and store/shop. The proposal includes 26 tent pitches with associated car parking.

### Principle of Development

The principle of development was established through the last planning permission, reference 19/01688/FUL granted on 3<sup>rd</sup> March 2020 for touring caravans and tents with a toilet and shower block and which was approved in accord with local planning policies.

### Design 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).

With regard to the landscape character, saved plan Policy EN1 states that the quality of the districts landscape and its distinctive character will be protected and where possible enhanced. Any development which would significantly harm landscape character or quality will not be permitted.

The proposed area for tent pitches and car parking will be formed on an area of land which is currently used for equestrian use. The proposed tent pitches and car parking will be located each side of the existing driveway which serves the private dwelling and equestrian facilities. The toilet and shower block, and office and store/shop will be located to the south east of the site against the site boundary and either side of the driveway. The single storey buildings will comprise of a dual pitched corotile metal roof in Charcoal with the external walls finished in black weatherboarding which is considered sympathetic to the rural character of the area.

The main body of the application site is set to grass and does not contain any significant vegetation and trees or other vegetation which will be affected by the development proposal. The proposed change of use described would, for the time period that it was used, be out of keeping with the local settlement pattern of the area and would, to a degree, degrade the appearance of the existing landscape, however the visual impact would be significantly less than the previously approved application which was a combination of 10 caravans and 13 tent pitches and is also set back from the highway. The plan provided demonstrates that planting is proposed along boundaries of the site which will help to screen and soften the appearance of the development. Detail of the landscaping has been secured by condition.

The design and scale of the proposal is acceptable and would result in no material harm to visual amenity.

#### Impact upon residential amenity

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).

The proposed use of the site will result in more activity than its current equestrian use. The plans provided demonstrate that the proposal is located a sufficient distance away from neighbouring amenities to not cause any impact including any undue disturbance by reason of noise.

#### Highway Safety and Parking

Essex County Highways have been consulted on this application although they have not provided a response in this case. They did however provide comments on the previous application for caravans and tent pitches and they stated that the proposal is on a private site and retains adequate room and provision for off street parking and turning, for the proposal. The existing vehicular access will form the main access in and out of the site and has been constructed to a width of 5.5 metres with radius kerbs. The Highway Authority had no objection subject to conditions relating to visibility splays, vehicular turning facility, construction of the vehicular access, vehicle parking space measurements and storage of building materials. The vehicular parking space measurement condition was not imposed as the plan provided demonstrated that the parking spaces are in line with Essex Parking Standards as in this case. The previous conditions will be re-imposed. The storage of building materials will be imposed as an informative only.

In terms of parking, the submitted scheme indicates that each tent pitch will benefit from one parking space in line with Essex Parking Standards. The proposal is therefore acceptable in terms of highway consideration and parking provision.

#### Habitat Regulations Assessment

The proposal for tent pitches for holiday use is outside the scope of the Essex Coast RAMS. However, Natural England state applications involving tourist accommodation could still potentially have recreational disturbance impacts (and other impacts) on designated sites and in such cases consultation with Natural England should be carried out for bespoke advice before concluding no contribution is required.

This development lies within the Zone of Influence. The site is not within or directly adjacent to one of the European designated sites but it is within 4.2 km of Colne Estuary SAC and SPA. Natural England have been consulted on this application and have no objection. Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

#### Other Considerations

No letters of representation have been received.

#### Conclusion

In the absence of material harm resulting from the development the application is recommended for approval.

## 6. Recommendation

Approval - Full

## 7. Conditions

- 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 There should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the site frontage. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason - To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety.

- 3 Prior to first occupation of the site a vehicular turning facility, of a design to be previously approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

- 4 Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 6 metres, shall be retained at that width for 14 metres within the site.

Reason - to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

- 5 At any one time no more than 26 tent pitches shall be stationed on the site subject of this application.

Reason - to ensure compliance with the description of the development hereby approved.

- 6 The development hereby permitted shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up-to-date register of the names of all occupiers of the holiday let accommodation and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

Reason - To prevent the use of the site for permanent accommodation in the interests of the tourism economy and local community infrastructure.

- 7 Details of any outdoor lighting shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Development shall be carried out in accordance with the approved details.

Reason - In the interests of preserving neighbouring amenities.

- 8 The camp site shall not be occupied between 1 November and 28 February inclusive in any year.

Reason - To ensure that the accommodation remains in holiday use in support of planning policies aiming to encourage tourism and does not become a permanent residential use.

9 The shop shall be operational only during times of camping to serve the development hereby permitted and at no other time.

Reason - To ensure that the shop supports the holiday use of the camp site only and does not become an independent shop use.

10 The use hereby permitted shall be solely for holiday accommodation. No person shall occupy the site for more than 28 consecutive days.

Reason - To ensure the site is maintained as a tourist location and not for permanent occupation.

11 Prior to the first use of the tent pitches the off-street parking spaces, as shown on approved drawings shall be constructed and made available for use. The parking spaces shall then be retained for parking purposes only in perpetuity.

Reason - To ensure adequate off-street parking is provided on site for visitors in the interests of amenity and highway safety.

12 Prior to the commencement of any above ground works 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" shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of the amenity of the locality.

13 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 ensure that the landscaping scheme is suitably implemented within an appropriate timescale.

14 All new driveways, parking areas and areas of hardstanding shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the site area.

Reason - In the interests of sustainable development and to minimise the risk of surface water flooding.

15 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. P02 and P01d

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

## **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.

#### Highway Informatives

Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

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.

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