

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	AL	12/09/2024
EIA Development - Notify Planning Casework Unit of Decision:	N/A	N/A
Team Leader authorisation / sign off:	ML	13/09/2024
Assistant Planner final checks and despatch:	ER	13/09/2024

**Application:** 24/00979/VOC **Town / Parish:** St Osyth Parish Council

**Applicant:** Mr C Gibbs

**Address:** Land West of Clay Lane St Osyth

**Development:** Application under Section 73(a) of the Town and Country Planning Act for Variation of Condition 2 (Approved Plans) of application 23/01314/VOC to retain the western boundary treatment adjacent to the highway and the retention of four CCTV poles with a proposed reduction in height.

### 1. Town / Parish Council

St Osyth Parish Council

Whilst the Parish Council have no objection with regard to the retention of the boundary treatment, or the reduction in height of the CCTV poles, it was suggested that perhaps the number of poles could be reduced were multiple cameras, such as 2 and 3, to be mounted on the same pole.

***See email exchange between the Clerk and Officer regarding the expiry of the application and resolution to proceed with approval prior to receipt of their comments on the amended plans (scanned to file).***

### 2. Consultation Responses

Tree & Landscape Officer  
25.07.2024

In essence it appears that the application relates to the retention of an existing boundary fence at a height approximately 350mm taller that allowed under permitted development rights along with the retention, at a reduced height, of the existing CCTV camera poles.

In terms of the boundary fence, it is considered that the type and size of the fence is such that it is an incongruous feature in its setting and that it has an urbanising impact on the locality. The retention of the fence will have a detrimental impact on the local landscape character.

For the length of the 90m western boundary the retention of the fence at its current size would result in 121.5 square metres of fencing visible in the landscape whereas as a fence at 1m tall would result in 90 square metres of fencing visible. If the fence were to be retained it should be at the lower height as this would remove 31.5 square metres of fencing from the landscape.

It would also be desirable for the fence, at either size, to be relocated to the other side of the western boundary hedge so that the fence would be screened by the newly planted hedge.

Notwithstanding the desirable decrease in the size or potential re-positioning of the fence it would be preferable to remove it completely

and replace it with a chain-link fence. Chain-link fencing would provide security but allow the boundary hedge to be visible and have a softening and screening impact of the new development.

Although the fence is in keeping with the style approved elsewhere on site under planning application 23/00542/FUL the soft landscaping proposed, under the same application, on the western boundary, was a key element in the design and soft landscaping elements of the site being found acceptable as, in time, the hedge would provide a high level of screening for the site

The establishment of a strong boundary hedge on the western boundary of the site would be in keeping with the local landscape character and help retain the rural character of the locality.

Regarding the retention of the CCTV poles it is considered that low level security cameras could be provided, potentially on the existing holiday units, which would remove the need for the harmful urbanising impact caused by the retention of the existing poles.

### **3. Planning History**

22/01991/FUL	Proposed stationing of 5 self-contained holiday units and associated parking.	Approved	13.02.2023
23/00542/FUL	Proposed stationing of 5 self-contained holiday units, a reception pod (including dog washing facilities for guests) with associated parking, hard and soft landscaping and boundary fencing (resubmission of application 22/01991/FUL to allow for design, layout and landscaping additions, and the addition of a reception pod).	Approved	05.07.2023
23/01314/VOC	Application under Section 73 of the Town and Country Planning Act, to allow a variation of condition(s) 2 (Approved plans) of 23/00542/FUL to allow minor movement southwest and reorientation of the holiday units, additional landscaping, and the addition of an ancillary decking area for the enjoyment of guests.	Approved	21.11.2023
24/00181/DISCON	Discharge of condition 3 (decking and fencing) of application 23/01314/VOC.	Approved	14.03.2024

### **4. Status of the Local Plan**

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

## **5. Neighbourhood Plans**

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>. At the time of writing, there are no draft or adopted neighbourhood plans relevant to this site.

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

### **NATIONAL:**

National Planning Policy Framework December 2023 (NPPF)

National Planning Practice Guidance (NPPG)

### **LOCAL:**

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PP8 Tourism

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PP13 The Rural Economy

CP1 Sustainable Transport and Accessibility

CP3 Improving the Telecommunications Network

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

## **7. Officer Appraisal (including Site Description and Proposal)**

### **Site Description**

The application site is located on the western side of Clay Lane, within the Parish of St. Osyth. The site formerly comprised of an open field enclosed by a mix of post and rail fencing and established trees and hedgerows.

The site has been developed and now accommodates, 'The Partridge Retreat', a small collection of holiday lodges following the approval of planning application 23/00542/FUL varied by 23/01314/VOC for the stationing of 5 self-contained holiday units, a reception pod (including dog washing facilities for guests), associated parking, hard and soft landscaping and boundary fencing.



The character is rural with sporadic detached dwellings including Kiln Cottage opposite, and Kiln Bungalow to the immediate north. The site lies outside of any settlement development boundary and lies within Flood Zone 1 being at low risk of flooding.

### Application Description

The development has been implemented following the granting of planning permission, but some works undertaken on site do not fully comply with the approved plans or have been erected without the benefit of planning permission.

This application therefore seeks to regularise the works by seeking a variation to the approved development reference 23/01314/VOC. The number and type of holiday units as approved has not changed, neither has the car parking arrangements.

The variations sought at the time of submission can be summarised as:

- 1) The retention of 1.35m high close boarded fencing along the full length of the front boundary with the highway; and,
- 2) The retention of 4 no. black steel CCTV poles (including a reduction in their current height of 5.5m to 3.5m).

However, following concerns raised by officers in consultation with the Council Tree and Landscape officer, the application has been amended and now comprises:

- 1) Front boundary treatment to be replaced by post and rail fencing; and,
- 2) The reduction of the CCTV poles to 3.5m together with a painted green finish.

### Assessment

This application seeks a variation to the previous approval. There is no need to fully re-assess all aspects of the development and material considerations (for example the principle of development).

In this instance, it is only necessary to consider the amendments sought and any resultant impacts.

The main considerations are therefore:

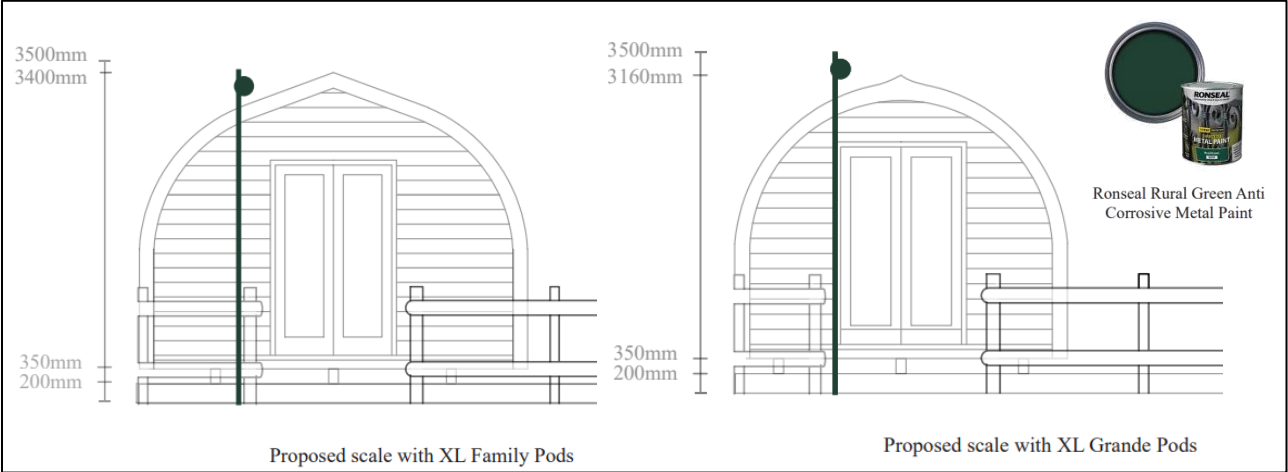
1. Design and Visual Impact; and,
2. Impact on Residential Amenities.

#### 1. Design and Visual Impact

Subject to appropriately worded conditions securing the removal of the existing fence and its replacement with the approved post and rail design, the reduction in height of the poles and re-painting in the approved green finish, officers are satisfied that the development will not result in any significant harm to the immediate character of the area or visual harm to wider landscape.

The amended post and rail fencing is more sympathetic for this rural location. Whilst officers recognise that the fence, in situ, is only marginally higher than permitted development permits, the close boarded design and length across the full frontage of the site, results in a prominent and urban addition in this rural location. Its replacement with the post and rail fencing will significantly reduce the expanse and prominence of the close boarded fence. The amended design allows for the soft landscaping and highway verge greenery to grow through the fencing, further softening its appearance.

Officers have had due regard to the comments and concerns raised by the Parish Council, our Tree and Landscape Officer and nearby residents in relation to the CCTV poles. However, poles of 3.5 metres in height will be only marginally higher than the holiday pods, and are nestled amongst the site screened by buildings, fencing, trees and hedgerows. The application has been amended to include a green finish to the poles, helping to assimilate them into the site and surroundings further.



2. Impact on Residential Amenities

The site and CCTV / poles installed are sited well away from the gardens and windows of neighbouring residential properties. Due to this separation distance, together with the reduced height of the poles, no loss of privacy or harm to other residential amenities will occur.

3. Conclusion

For the reasons set out above, and subject to the required conditions, the application is recommended for approval.

8. Recommendation

Full Approval – (S73 Variation of 23/01314/VOC)

9. Conditions

1. COMPLIANCE: APPROVED PLANS AND DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the following approved drawings / documents, and / or such other drawings / documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings / documents as may be subsequently approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard:

**23/00542/FUL:**

- Visibility Splay Plan - North (layout superseded)
- Visibility Splay Plan - South (layout superseded)

**23/011314/VOC:**

- 1:1250 Site Plan received 20 September 2023
- Drg. No. 1 Reception Pod Floor Plan, Elevations and Sections
- Drg. No. 1 Rev A 8 x 4 Family Pod Floor Plans, Elevations and Sections
- Drg. No. 1 Rev A 8 x 4 XL Grande Glamping Pod Floor Plans, Elevations and Sections
- Construction Method Statement received 20 September 2023
- Klargester BioDisc Domestic Sewage Treatment Plant details
- Landscaping Report dated April 2023 received 20 September 2023
- Tree protection details titled 3. BS 5837:2012 Figure 2: Default specification for protective barrier Diagram 1. No dig construction method

**24/00181/DISCON:**

- Covering Letter
- MRF06 Block Plan
- MRF-46554-011 XL Grande Pods Decking Drawing
- MRF-46554-012 XL Family Pods Decking Drawing
- MRF-46554-013 XL Grande Pods Fencing Drawing
- MRF-46554-014 XL Family Pods Fencing Drawing
- MRF-46554-015 XL Grande Pods Floor Plans
- MRF-46554-016 XL Family Pods Floor Plans

**24/00979/VOC:**

- CCTV Details Drawing no. MRF-46554-015-Rev B inc. Ronseal Rural Green Anti Corrosive Metal Paint details
- Fencing Details Drawing no. MRF-46554-016-Rev B
- Block Plan 1:500 (part superseded – close boarding fencing along highway boundary replaced with post and rail)
- Site Plan 1:1250 (part superseded – close boarding fencing along highway boundary replaced with post and rail)

REASON: For the avoidance of doubt and in the interests of proper planning.

**2. COMPLIANCE: WITHIN 2 MONTHS**

CONDITION: Within 2 months from the date of this permission, the replacement boundary fence to the site frontage (as shown on approved drawing no. MRF-46554-016-REV B), the reduction in height of the CCTV poles and painting of the CCTV poles to the approved green colour (as shown on approved drawing no. MRF-46554-015-REV B) shall be undertaken in their entirety in accordance with the approved plans and retained in this approved form in perpetuity.

REASON: In the interests of visual amenity and the character and appearance of the area.

**3. SPECIFIC RESTRICTION ON DEVELOPMENT: NO ADDITIONS TO POLES**

CONDITION: The 4 no. poles and affixed CCTV cameras hereby approved shall be retained and maintained in the approved form (3.5 metres in height and finished in Ronseal Rural Green Anti Corrosive Metal Paint) for the duration of the holiday accommodation use to which they relate. The CCTV cameras shall be used solely in connection with the holiday pod accommodation use on the site. There shall no additional cameras or additions affixed to any pole at any time.

REASON: REASON: In the interests of visual amenity and the character and appearance of the area.

**4. SPECIFIC RESTRICTION ON DEVELOPMENT: HOLIDAY USE ONLY**

CONDITION: The development hereby approved shall not be occupied at any time other than for holiday purposes and shall not be used as residential dwellings, including any use within Class C3

of the Town and Country Planning (Use Classes) Order 1987 (as amended). Furthermore, no person/s shall occupy any of the development approved during the month of February each year and the same person shall not occupy the development for more than 100 days in one year. Details of the name, permanent home address, vehicle registration shall be kept in a register a copy of which shall be made available to the Local Planning Authority for inspection at any time.

REASON: The site of the permission is outside any area where planning permission would normally be forthcoming for residential development without either harm or conflict with planning policies. The development is permitted only as a unit for holiday purposes in the interests of contributing to tourism and the economy of the area and this contribution is given full weight as an exception for allowing this development.

5. SPECIFIC RESTRICTION ON DEVELOPMENT: ANCILLARY RECEPTION POD

CONDITION: The reception pod (and dog washing facilities) shall be used solely ancillary to the holiday let accommodation and shall not be used as a separate business or facility unrelated to the holiday let pods hereby approved.

REASON: To ensure the use and operation remain as approved, in the interests of the character of the area.

6. COMPLIANCE: ACCESS WIDTH

CONDITION: The width of the vehicular access at its junction with the highway shall not be less than 5.5 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

7. COMPLIANCE: NO UNBOUND MATERIALS

CONDITION: No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.

8. COMPLIANCE: SITING OF ACCESS GATES

CONDITION: Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety.

9. COMPLIANCE: PARKING BAY DIMENSIONS

CONDITION: Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres and shall be provided prior to first occupation of any of the hereby approved holiday units.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

## 10. COMPLIANCE: CONSTRUCTION WORKS & VEHICLES

CONDITION: No vehicle connected with the works shall arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Fridays and 08.00 and 13.00 on Saturdays with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

REASON: In the interests of protecting the amenity of neighbouring residents.

## 11. COMPLIANCE: IMPLEMENTATION OF LANDSCAPING

CONDITION: 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 the adequate retention and maintenance of the approved landscaping scheme for a period of five years in the interests of visual amenity, the quality of the development and the character of the area.

## 12. COMPLIANCE: TREE PROTECTION MEASURES

CONDITION: The approved tree protection measures shall be retained throughout the duration of any building and engineering works in the vicinity of the tree/s to be protected. Any tree/s dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with a tree or trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be approved, in writing, with the Local Planning Authority up to first use or first occupation of the development, following the death of, or severe damage to the tree/s.

REASON: For the avoidance of damage to existing trees in the interests of visual amenity and the character and appearance of the area. This condition is required to be carried out prior to the commencement of any other development to ensure trees are protected early to ensure avoidance of damage or lost due to the development and/or its construction. If agreement was sought at any later stage, there is an unacceptable risk of lost and damage to trees.

## 10. 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.

### Highways Informatives

1: 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](mailto:development.management@essexhighways.org)



2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Legal Agreement Informative - Recreational Impact Mitigation

Application 22/01991/FUL was approved subject to a completed legal agreement securing mitigation against recreational impact in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017. The financial contribution in line with RAMS requirements has been paid in full (received on 19th April 2023 as part of 22/01991/FUL). For these reasons, this application does not require a new UU.

Sewerage Treatment Plant

The installation should be fully compliant with the Environment Agency's Binding Rules and any other relevant Government guidance and British standards, in respect of these systems. Information on this can be found at: Septic tanks and treatment plants: permits and general binding rules: The general binding rules - GOV.UK ([www.gov.uk](http://www.gov.uk)).

**11. Equality Impact Assessment**

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic\* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic\* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic\* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

**12. Notification of Decision**

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