

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		AN	24/10/24
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		JJJ	28/10/2024
Assistant Planner final checks and despatch:		ER	28/10/2024

**Application:** 24/01341/VOC **Town / Parish:** St Osyth Parish Council

**Applicant:** Mr C Gibbs

**Address:** Anvil Barn Farm Clay Lane St Osyth

**Development:** Application under Section 73 of the Town and Country Planning Act for Variation of Condition 2 (Approved Plans and Documents) of application 24/00411/FUL to allow for changes to the floor layout, and movement of the structure 5m northeast.

### 1. Town / Parish Council

St Osyth Parish Council No objections.

### 2. Consultation Responses

Environmental Protection 14.10.2024 With reference to the above VOC application, I can advise the EP Team have no further comments to make on this application.

### 3. Planning History

12/60501/HOUEN Q	Sign for workshop on junction of Clay Lane and Clacton Road	22.11.2012
24/00411/FUL	Planning Application - erection of a lambing shed with an ancillary agricultural workshop.	18.06.2024

### 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>

There is no neighbourhood plan for this area.

## **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 (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL3 Sustainable Design

PP13 The Rural Economy

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL10 Renewable Energy Generation and Energy efficiency Measures

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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

### Site context

The site lies outside of any settlement development boundary, on the west side of Clay Lane. The site is served by an existing vehicular access and a recently completed barn. It currently contains pigs and mobile shelters. Outside the wider site boundary, beyond the stream to the southwest lies the closest dwelling at Oak Lodge. Surrounding land is arable farmland.

### Proposal

In June application reference 24/00411/FUL approved a new agricultural building for lambing and as a workshop for storage and maintenance of agricultural machinery. The supporting statement confirms it will be used for the lambing season (typically 3 months) but also as isolation pens/for vet visits/sheep shearing/hay storage.

The current application seeks to vary the approved plans on 24/00411/FUL to move the approved building 5 metres northeast, and to hand the approved floor layout to swap the end closed workshop bay towards Clay Lane.

### Representations

St Osyth Parish Council have no objections.

No other letters have been received.

### Principle of development

24/00411/FUL established the principle of this agricultural development and the current application purely seeks to move it 5 metres further northwest and to hand the layout for ease of access to the closed bay by the applicant.

### Visual and landscape impact

Paragraph 135 of the NPPF requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place. Local Plan Policy SPL3 confirms all new development should make a positive contribution to the quality of the local environment and protect or enhance local character. PPL3 of the TDLP states the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance; and new development within the rural landscape should minimise the impact of light pollution on the site and its surroundings, in order to protect rural amenity and biodiversity.

Re-siting the approved building 5 metres further northwest and handing the layout will have minimal visual/landscape impact. The proposed building measures 12m by 20m and 5.6m to the ridge and will be screened from the southwest by the existing barn which measures 25mx18mx8.5m tall. The design and construction materials (steel profile sheeting coloured green to the walls and light grey metal sheet roofing) are typical of agricultural buildings. In other views it will be viewed against/in context with the larger barn reducing its impact in the landscape. The site also benefits from dense hedgerow screening to the highway. Subject to reimposing a condition controlling external lighting, there is no objection on visual or landscape impact grounds.

### Residential amenity

Paragraph 135 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. TDLP Policies SP7 and SPL3 state that all new development should protect the amenity of existing residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

The nearest neighbour, Oak Lodge is just under 50 metres away to the southwest. The proposed building is sited the other side of the existing barn and there is dense existing vegetation along the stream to the wider shared site boundary. The current proposal increases this separation by an additional 5 metres representing a small benefit. A condition will be re-imposed controlling external lighting in the interests of amenity. No material harm in terms of outlook, light, privacy or noise would therefore result.

Under the previous application the applicant submitted an Odour Assessment given the proposed use of the building by animals. Following evidenced objections from the neighbour and in consultation with our Environmental Protection team an Odour Technical Note was also submitted by the applicant. The odour assessment and technical note confirm no material harm would result from the proposals and no mitigation is required. On this basis Environmental Protection confirm no further comments on this proposal.

### Highway safety

The site has an existing vehicular access onto Clay Lane serving the existing barn. The vehicular movements associated with the proposed building will be low and there is sufficient on-site parking and turning. The current proposal is unchanged in this respect from the original permission and is acceptable in terms of highway safety.

### Flood risk

There is a fluvial flood zone around the stream to the southern wider site boundary however the application site lies within flood zone 1 (low risk) and outside of any identified areas of surface water flood risk. The flood risk situation is unchanged from the original permission.

## Ecology and Biodiversity

This report addresses the distinct legal requirements, ensuring a comprehensive analysis of the ecology and biodiversity impacts of the proposal in line with regulatory standards.

### **General duty on all authorities**

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. An informative has been re-imposed strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Therefore, the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

### **Biodiversity net gain**

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. The original application was submitted prior to the introduction of BNG, so BNG is not therefore applicable to this variation application.

### **Protected Species**

In accordance with Natural England's standing advice the proposed development site and surrounding habitat have been assessed for potential impacts on protected species. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

Conclusion: In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

### Conclusion

In the absence of any material harm the application is recommended for approval.

## **8. Recommendation**

Approval - Full

## **9. Conditions**

1 COMPLIANCE REQUIRED: COMMENCEMENT SECTION 73 TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later than 18/06/2027.

REASON: To comply with the requirements of Section 73 and 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTES FOR CONDITION:

The development needs to commence (if not already commenced) within the timeframe provided unchanged from the permission varied. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk of Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

## 2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below 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 subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard.

The approved red line plan drawing is 1:1250 scale Site Plan received 19.03.2024  
1:500 scale Block Plan revision A received 4th September 2024.  
GCL - 01 C received 6th September 2024.  
Odour Assessment Reference 7473r1 dated 18th January 2024.  
Odour Technical Note Reference 7473c1 dated 30th May 2024.

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

### NOTES FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

## 3 FURTHER APPROVAL: DETAILS OF ILLUMINATION

CONDITION: Prior to the erection/installation of any floodlighting or other means of external lighting at the site, details to include position, height, aiming points, lighting levels and a polar luminance diagram shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall be carried out and retained as may be approved. There shall be no other means of external lighting installed and/or operated on/at the site except that approved.

REASON: In the interests of amenity to reduce the impact of night time illumination on the character of the area and in the interests of biodiversity and residential amenity.

## 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.

### Biodiversity Enhancements Informative

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include:

<https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

## 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>		NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>		NO
<b>Has there been a declaration of interest made on this application?</b>  <b>Please use the below options as required.</b>  <b>No Declarations Of Interest Made / Declaration of Interest Made by...(specify who and why).</b>		NO