

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|---|----------|----------|
| File completed and officer recommendation: | MP | 19/09/18 |
| Planning Development Manager authorisation: | AN | 27/9/18 |
| Admin checks / despatch completed | erl | 27/9/18 |

Application: 18/01037/FUL **Town / Parish:** Little Bentley Parish Council

Applicant: Mr Malcolm Robinson

Address: Brampton Hall Farm Manningtree Road Little Bentley

Development: Proposed bund, storage area, manège and equestrian gate.

1. Town / Parish Council

Little Bentley Parish Council No comment.

2. Consultation Responses

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

Tree & Landscape Officer In terms of the impact of the development proposal on existing trees the only potential area of conflict is in where the access road to the Clear Span Equipment Barn appears to fall within the Root Protection Area (RPA) of an established Oak on the north eastern boundary of the application site. This can be addressed by the specialist design of the construction of foundations and surfacing of the roadway within the RPA utilising specialist 'No-Dig' construction methods. This information could be provided prior to the determination of the application or under a condition attached to any planning permission that may be granted.

The storage area for wrapped hay has the potential be become an unsightly feature in the landscape however the retention of the existing hard surfacing will not cause harm to the viability of adjacent trees.

The proposed bunds should blend into the landscape as the new planting on them develops. The bunds will form a valuable screen and buffer between the application site and the upgraded roundabout.

The proposed new fencing and double gated access with pedestrian access are in accordance with the local vernacular.

In terms of the impact of the development proposal on the local landscape character it would appear that the buildings and associated development will not be incongruous features in their setting or unduly harmful to the local landscape.

3. Planning History

07/00283/FUL Change of use for land to become a polo club and erection of two Withdrawn 11.05.2007

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| | portacabins. | | |
| 07/01369/FUL | Change of use for land to become a polo club and siting of mobile club house. | Approved | 05.02.2008 |
| 17/02191/FUL | Relocate vehicular field access due to new roundabout on safety grounds. | Approved | 28.02.2018 |
| 18/00554/DISCON | Discharge of condition 7 (Landscaping) of approved planning application 17/02191/FUL. | Approved | 18.04.2018 |
| 18/01038/AGRIC | Proposed agricultural storage barn. | Determination | 26.07.2018 |
| 18/01039/AGRIC | Proposed agricultural storage quaker barn. | Determination | 18.07.2018 |

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

COM12 Equestrian Uses and Buildings

EN1 Landscape Character

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

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

SPL3 Sustainable Design

PPL3 The Rural Landscape

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) 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

Site Description

The application site is Brampton Farm Hall, which is a holding located to the southern side of Rectory Road that currently forms as a large area of grassed and agricultural land. The character of the surrounding area is largely rural; however at the time of the site inspection it was clear development was under way to the south-west of the site, whilst there is sporadic residential development to the north east. The site falls outside of a recognised Settlement Development Boundary within both the Tendring District Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft.

History

Under planning reference 18/01038/AGRIC, consent was granted for the erection of an agricultural barn for the accommodation of agricultural equipment to the north-east of the site.

Under planning reference 18/01039/AGRIC, consent was granted for the erection of an agricultural quaker-style building for the accommodation of agricultural equipment, located to the north-east of the site.

Proposal

This application seeks planning permission for the following:

- Two proposed bunds measuring 4.3m in height and both sited to the south-west of the site adjacent to the new roundabout currently under construction;
- A storage area measuring 40m x 20m for polythene wrapped hayledge and a personal use menage with cross and rail fencing (measuring 1.5m in height), located to the south-west of the site; and
- An equestrian walk over gate, measuring 4.3m in width and ranging from 0.9m to 0.2m in height, located to the far south of the site.

Assessment

Bunds and Equestrian Gate:

The proposed bunds are to be located to the south-west of the site, located adjacent to the new roundabout currently under construction. They are required in order to reduce the potential noise and light pollution as a result of the aforementioned development. They are to measure 4.3m in height and the submitted plans indicate they will be supplemented by native shrubs and hedgerow. Therefore, whilst their siting will be particularly prominent, the bunds will form a valuable screen and buffer between the application site and the upgraded roundabout.

The equestrian gate is to be located far south of the site. Given it is minor in nature, a peak height of just 0.9m, and located in a position not particularly prominent, the impacts will be neutral to the character of the area and is therefore acceptable.

Manege:

In respect of the proposed manege, saved policy COM12 of the Tendring District Local Plan (2007) is the principle policy to assess this proposal against. This policy sets out that business and domestic equine related activities will be considered in relation to the following criteria:

a) the nature and scale of the equestrian use and the impact of the built development on the character of the countryside, including nature conservation interests and the cumulative effect of similar uses in its general area;

The proposed manege is to be for private use only, with no proposed built form beyond 1.5m high post and rail fencing. Whilst it will be sited in a relatively prominent position, it will be set back approximately 10m from Harwich Road to the west, and sited within a largely rural area dominated by part agricultural land, and will therefore not appear significantly out of character within this location.

b) whether the size of the stables accords with the number of horses intended to be accommodated;

The proposal does not include stables and therefore this criterion is not applicable to this application.

c) the impact of any built development on the amenity of neighbouring residential properties;

The surrounding area is mainly rural but there are some residential properties to the north-east. However, given there is a significant distance to the properties (approximately 70m), and that a condition will be attached to ensure no means of floodlighting or external lighting shall be installed on site, there is not considered to be a significantly detrimental impact to existing amenities.

d) whether suitable arrangements have been made for the disposal of storage of soiled material and foul drainage provision meets the requirements of the Council and Environment Agency;

The proposal is to be minor and for personal use only, whilst the lack of stables demonstrates the horses will not be permanently on site. Therefore any waste produced will be minimal and therefore this criterion will not be applicable on this occasion.

e) whether a suitable vehicular access can be provided in connection with the stables such as to allow the free and safe flow of traffic on the adjoining highway;

There are no stables proposed as part of this application, with the manege being for private use only. The proposal will not involve vehicles connecting to the highway. As such, Essex Highways Authority raises no objections to the proposal.

f) the impact on the character of the countryside of providing an adequate access;

The riding area is for private use only and there will therefore be no provision of a new access.

g) the level of traffic to be generated by the proposed use, and the suitability of the road leading to the site to cater for such movements; and

The manege will only be for private use and it is anticipated that there would be no additional traffic generated by the proposed development and as a result the proposed access arrangements are considered acceptable.

h) the impact of traffic levels on the amenities of the land.

As the riding area is solely for the applicant's own use, there is not anticipated to be any significant impacts on traffic levels. Furthermore, a condition has been imposed to ensure that the riding area is only used privately and that no commercial use occurs.

Other Considerations

Little Bentley Parish Council has not commented.

No other letters of representation have been received.

6. Recommendation

Approval.

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 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers 457, 458a, 458b and 458c

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

- 3 The manege and paddock land hereby approved shall be used solely in connection with the private keeping of horses and no business or commercial use including livery or riding school activities shall be carried on from the site whatsoever.

Reason - In the interests of local amenity and highway safety.

- 4 No floodlighting or other means of external lighting shall be installed at the site except in accordance with details (to include position, height, aiming points, lighting levels and a polar luminous diagram) which shall have previously been submitted to and agreed in writing by the Local Planning Authority.

Reason - To secure an orderly and well designed development sympathetic to the character of the area and in the interests of residential amenity.

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.