

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|---|----------|----------|
| File completed and officer recommendation: | MP | 03/10/18 |
| Planning Development Manager authorisation: | AN | 8/10/18 |
| Admin checks / despatch completed | RS | 9/10/18 |

OR

Application: 18/01353/FUL **Town / Parish:** Mistley Parish Council

Applicant: Mr & Mrs Reidy

Address: Land rear of Fairview Heath Road Mistley

Development: Erection of replacement stables and manège.

1. Town / Parish Council

Mistley Parish Council Mistley Parish Council has no objections to this application.

2. Consultation Responses

Tree & Landscape Officer The application site is set to grass and is currently being used for the grazing of horses. There are no trees or other significant vegetation on the land.

It appears that a single tree situated within the curtilage of the applicants garden; a Norway Maple may need to be felled in order to facilitate access to the land. Although it would be desirable for this tree to be retained its removal would not have a detrimental impact on the appearance of the locality as the area is generally well treed.

In terms of the impact of the stable block on the character and appearance of the countryside - the network of Public Rights of Way (PROW) and topography of the application site means that the site will only be clearly visible from the PROW to the south of the application site. This PROW forms part of The Essex Way and is part of a long distance walking route from Harwich to Epping.

In order to ensure that the stables and ménage are screened from view from Essex Way, soft landscaping should be carried out on the southern and eastern boundaries of the application site. This should comprise of a hedgerow comprising indigenous species and specimen trees at 7 to 10m centres.

If a good level of soft landscaping is carried out then the development could be relatively well assimilated into its setting.

Environmental Protection I have reviewed the application including the submitted planning statement dated August 2018 and have no adverse comment to make.

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

Informative1: 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.

3. Planning History

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|-----------------|--|----------|------------|
| 92/01153/OUT | (Fairview, Heath Road, Mistley) Erection of one bungalow | Refused | 09.12.1992 |
| 94/00043/FUL | (Fairview, Mistley Heath, Mistley) Alterations and extension to form garage and study | Approved | 22.02.1994 |
| 04/01430/FUL | New bedroom at 1st floor level with en-suite. All external finishings to match existing | Approved | 29.09.2004 |
| 91/00438/FUL | Bathroom extension in residential dwelling. | Approved | 14.06.1991 |
| 13/00334/FUL | Erection of dwelling and detached garage. | Approved | 09.07.2013 |
| 13/00830/DISCON | Discharge of conditions on planning permission 13/00334/FUL - 03 - Materials, 10 - On Site parking facility, 11 - Wheel and underbody cleaning facility, 12 - Hard and soft landscaping scheme, 14 - Details of fences, 15 - Details of existing and proposed levels of the site finished floor levels. | Approved | 06.09.2013 |
| 13/01189/FUL | Erection of dwelling and detached garage (amended scheme pursuant to implemented planning permission 13/00334/FUL). | Approved | 16.12.2013 |
| 14/00012/DISCON | Discharge of condition 03 (materials), 04 (vehicle access) and 08 (levels) of planning permission 13/01189/FUL. | Approved | 03.03.2014 |

4. Relevant Policies / Government Guidance

National Planning Practice Guidance

Tendring District Local Plan 2007

COM12 Equestrian Uses and Buildings

EN1 Landscape Character

EN3 Coastal Protection Belt

EN5A Area Proposed as an Extension to the Suffolk Coasts and Heaths AONB

NPPF National Planning Policy Framework July 2018

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)

PPL2 Coastal Protection Belt

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 land to the east of Fairview and Lynwood, which is located to the north-eastern section of Heath Road within the parish of Mistley. The site is currently grassed land being utilised for paddock use. The character of the surrounding area is predominantly rural, with large areas of grassed and agricultural land to all sides; however there is a scattering of residential development to the north-west and south-west.

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. The site also lies within an Area proposed as an Extension to the Suffolk Coast and Heath AONB and also within a Coastal Protection Belt within the Adopted Tendring Local Plan 2007 only.

Description of Proposal

This application seeks planning permission for the creation of a manege, measuring 60m in depth and 20m in width and utilising an all-weather surface, with no fencing proposed.

The proposal will also include the replacement of the existing stables, hay store and tack room. The L shaped building will include four stables, a reduction of one stable from the existing arrangement, a feed store, hay store and tack room.

All works are for private use only, whilst the existing stable buildings located to the north-west of the site are to be replaced with a new dwelling allowed on appeal (reference APP/P1560/W/17/3187415).

Assessment

In respect of the proposed riding area, 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;

Despite the site falling within an Area proposed as an Extension to the Suffolk Coast and Heath AONB and a Coastal Protection Belt, the proposed stables and manege are to be for private use only and well set back beyond the existing building line, thereby not appearing prominent within the street scene, and, subject to a condition requiring soft landscaping to the southern boundary, will assimilate well within the rural background.

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

The proposal will include four stables, which is actually a decrease from the existing five stables. The applicants currently own three horses and one pony, and therefore the size of the stables is acceptable for the level of use.

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 west. However, given there is a significant distance of approximately 35m to the properties, and that a condition will be attached to ensure no burning of manure, there is not considered to be a significantly detrimental impact to existing amenities.

With regards to the impacts from the manege it will be used for private use only, whilst there is also a significant separation distance of 20m to the nearest neighbouring property to the west. Further the submitted plans confirm waste will not be stored within 100m of any neighbouring property, whilst a condition will be attached to ensure no means of floodlighting or external lighting shall be installed on site.

Therefore the proposal is acceptable against this criterion.

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 for personal use only, whilst there is a similar level of use on site currently. Therefore any waste produced will not be in excess to the current levels 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;

The stables and manege proposed are 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 proposal is only for the owners of the properties use 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 proposal will only be for the owner of the properties use and it is anticipated that there would be no additional traffic generated by the proposed development than there is with the existing layout. As a result the proposed access arrangements are considered acceptable.

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

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

Other Considerations

Mistley Parish Council have no objections to the proposed works.

There have been no other letters of representation 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 number RFV-SB-01 Revision A, the submitted Planning Statement and the untitled Site Plan.

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

- 3 There shall be no burning of horse manure on the site at anytime.

Reason- The site is in the proximity of residential dwellings and therefore suitable control is necessary in order to protect the amenities of residents of such properties.

- 4 The manege and stables hereby approved shall be used solely in connection with the private keeping of horses related to the dwelling 'Fairview' 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.

- 5 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.

- 6 No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of soft landscaping works encompassing a hedgerow comprising indigenous species and specimen trees at 7 to 10 metre centres for the southern and eastern boundaries.

Reason - In order to ensure the stables and manege are well screened from views from the Public Right of Way to the south of the site.

- 7 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 - In order to ensure the stables and manege are well screened from views from the Public Right of Way to the south of the site.

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.