

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	23/11/18
Planning Development Manager authorisation:	AN	27/11/18
Admin checks / despatch completed	XNE	28/11/18

**Application:** 18/01576/FUL **Town / Parish:** Thorrington Parish Council

**Applicant:** Mrs Scott

**Address:** Gatehouse Farm Brightlingsea Road Thorrington

**Development:** Construction of Horse Gallop.

### 1. Town / Parish Council

Thorrington Parish Council      No comment.

### 2. Consultation Responses

**ECC Highways Dept**

The Highway Authority observes that the proposed development is intended for the sole use of the occupiers of Gatehouse Farm Brightlingsea Road Thorrington only and there will be no public access or use and therefore 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.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:  
SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

**Tree & Landscape Officer**

The application site is set to grass with strong boundary hedgerows some of which contain established trees.

The land is being used for the grazing and/or exercising of horses.

In terms of the impact of the development proposal on the local landscape character it is considered that the change that would result from the creation of the surfaced gallop would be unlikely to have an adverse impact on the character or appearance of the area.

The existing boundary vegetation provides a good level of screening and this will remain if the development proposal is approved.

**ECC SuDS Consultee**      Essex County Council as the Lead Local Flood Authority (LLFA) has



received the above planning application on 21/09/2018. This application has been reviewed for surface water drainage aspects in accordance with our statutory consultee role.

Currently, consultants from McCloy CONSULTING are working on behalf of the Flood Risk Management team to provide comments. These have formed the basis of our recommendation to this planning application, please see attached letter:

Consultation Response - 18/01576/FUL - Gatehouse Farm, Brightlingsea Road, Thorrington, Colchester, Essex, CO7 8JL.

Thank you for your email which provides Essex County Council (ECC) with the opportunity to assess and advise on the proposed surface water drainage strategy for the aforementioned planning application. As the Lead Local Flood Authority (LLFA) ECC provides advice on SuDS schemes for major developments. ECC have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council, and their appointed consultants, looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the documents which accompanied the planning application, acting on behalf of ECC we would note the following in relation to the application:

- The development consists of a 0.13ha horse gallop.

We would therefore have no further comments in relation to this application as it is not considered a major development.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, ECC advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

**INFORMATIVES:**

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future



register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).

- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
  - Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
  - It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
  - The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
  - ECC will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.
- Whilst we have no further specific comments to make at this stage, attached is a standing advice note explaining the implications of the Flood and Water Management Act (2010) which could be enclosed as an informative along with your response issued at this time.

Yours faithfully,

JD

On behalf of:

Team: Development and Flood Risk

Service: Waste & Environment

Essex County Council

#### Appendix 1 - Flood Risk responsibilities for your Council

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.



Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications 'Preparing for Floods' and 'Improving the flood performance of new buildings'.

- Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

### **3. Planning History**

05/01537/FUL	Equipment store indoor swimming pool and hay store	Approved	26.10.2005
09/01154/FUL	Construction of menage.	Approved	24.12.2009

### **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

TR1A Development Affecting Highways

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

PP13 The Rural Economy

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 western side of Brightlingsea Road within the parish of Thorrington. The site is within an open field utilised for the grazing of horses for personal use. A grass verge and hedging separate the field from Brightlingsea Road. There is an established hedgerow along the other boundaries.

The site is not situated within a recognised Settlement Development Boundary in both the Saved Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft. The character of the surrounding area is semi-rural, with residential built form to the north-east and large areas of grassed and agricultural land to the east and west.

### **Proposal**

This application proposes the construction of an all-weather gallop around the perimeter of the paddocks just inside the boundary of the field.

The works involve stripping an area of vegetation around the gallop approximately 3 metres wide, to be replaced with an all-weather surface with a width of 2.5 metres. The finished surface has a similar appearance to natural soil.

### **Visual Impact**

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).



Whilst the site is in a highly prominent location, the site is well screened by mature vegetation to its northern and western boundaries. Views will be possible from the southern and eastern boundaries; however there is an existing hedgerow measuring 1.2 metres which will partially screen any impacts. Further, the training gallop is compatible with the equestrian use of the site and surrounding land with no material harm to visual amenity or the landscape quality of the surrounding countryside. A condition will be imposed to control any lighting in the interests of reducing the impact of night time illumination in this semi-rural location and nearby residents.

#### 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).

There are dwellings located to the north and east of the proposed gallop. However, the nature of the use and the separation distance ensures that any impact in terms of noise would be minimal. Further controls on lighting would further reduce any potential impact.

#### Highway Safety

Essex County Council as the Highways Authority observe that the proposed development is intended for the sole use of the occupiers of Gatehouse Farm, and there will be no public access or use and therefore does not object to the proposals.

#### Other considerations

Thorrington Parish Council has not commented on the application.

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 numbers 891/loc and 891/01.

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

- 3 No floodlighting or other external lighting shall be installed to the hereby approved gallop until details of the illumination scheme have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.

Reason - In the interests of residential amenity and to reduce the impact of night time illumination on the character of the area.

- 4 The horse gallop hereby approved shall be used solely in connection with the occupiers of Gatehouse Farm 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.

**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.