

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	22/05/19
Planning Development Manager authorisation:	AN	23/5/19
Admin checks / despatch completed	SR SB	24/5/19 24/05/19

**Application:** 19/00498/FUL **Town / Parish:** Great Oakley Parish Council

**Applicant:** Mr & Mrs B Woods

**Address:** 3 Skighaugh Clacton Road Stones Green

**Development:** Proposed extension to Curtilage, new secure garage/garden store & stables.

### 1. Town / Parish Council

Great Oakley Parish Council      No comment.

### 2. Consultation Responses

ECC Highways Dept      The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal retains adequate room and provision for off street parking and turning, for the existing dwelling; the existing vehicular access is unchanged therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. Prior to the completion of the works a vehicular turning facility, should be retained of a design to be approved in writing by the Local Planning Authority shall be constructed, free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1

2. Any gates provided at the vehicular access shall be inward opening only and shall be set back a maximum of 0.5 metres from the back edge of the verge or where no provision is present, the carriageway.

Reason: In the interest of highway safety in accordance with policy DM1

3. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway/carriageway (delete as appropriate).

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway/carriageway (delete as appropriate) is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

**Informative 1:**

Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

**Informative 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.

**Informative 3:**

Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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.

**Environmental Protection**

I have reviewed the application and have the following comments to make;

1. Effluent originating from the shelter floor must be considered foul water and thus conveyed and disposed of in the same manner as domestic foul water.
2. A plan for storage and removal of horse manure is to be confirmed with this authority.
3. No burning of horse manure should be carried out on site.
4. Any external lighting on the proposed site shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to neighbouring residential properties. The applicant shall demonstrate compliance with the Institute of Lighting Professionals code of practice. ([www.theilp.org.uk](http://www.theilp.org.uk))

**Reason:**

To ensure that nearby noise sensitive premises do not suffer a loss of amenity by reason of odour, light and noise nuisance.

**3. Planning History**

16/01346/FUL

Replacement dwelling, creation of garage, workshop and storage space and extension to curtilage.

Refused

17.03.2017

17/01686/FUL	Replacement dwelling, extension to remaining building to provide ancillary cycle store and storage, and change of use of agricultural land to residential.	Refused (dismissed at appeal)	04.12.2017
18/01692/FUL	Additional front elevation dormer.	Approved	12.12.2018
18/02095/LUPRO P	Proposed rear & side extension, dormer & porch, hip to gable extension & roof lights to the front elevations.	Granted	12.02.2019

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

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

COM12 Equestrian Uses and Buildings

COM23 General Pollution

COM31A Sewerage and Sewage Disposal

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)

CP1 Sustainable Transport and Accessibility

PP13 The Rural Economy

PPL3 The Rural Landscape

PPL5 Water Conservation, Drainage and Sewerage

SPL3 Sustainable Design

#### **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 3 Skighaugh, Clacton Road, Stones Green, which is a south-east facing semi-detached property. The site is well set back, with the surrounding area being predominantly rural, although with some examples of semi-detached residential properties nearby. The site does not fall within a Development Boundary as per the Saved Tendring Local Plan 2007, whilst approximately 25 metres to the south is a Public Right of Way.

### Proposal

This application seeks planning permission for the following:

- o An extension of the curtilage of the land, measuring 33m x 34m, thereby changing use from agricultural to paddock land;
- o The erection of a single storey stable building, that will serve a tack room/store, hay store and stable; and
- o The erection of a single storey double garage, with a lean-to element to serve as a garden store.

The original plans included a much larger garden store area and also a larger stable building that would have incorporated three stables. However, Officers raised a number of concerns regarding the size and also that they were sited too far forward in comparison to the existing residential property.

### Site History

There have been a number of planning applications relating to the application site. Under planning reference 16/01346/FUL, planning permission was previously refused for the demolition of the existing semi-detached property and the erection of a replacement detached dwelling, with an extended residential curtilage. The reason for this refusal was the resulting detached property would consist of a higher eaves height and three pitched roof dormers to the front elevation, resulting in the proposal appearing at odds with the traditional cottage style proportions of the existing semi-detached dwellings.

A proposal to partially demolish the existing dwelling and erect a replacement detached dwelling was refused by Planning Committee and dismissed at appeal (reference APP/P1560/W/18/3204200), with the Inspector concluding the proposed development would harm the character and appearance of the area.

Under planning reference 18/01692/FUL, planning permission was granted for the erection of a dormer to the front elevation.

Under planning reference 18/02095/LUPROP, it was confirmed that the following works could be completed without the need for planning permission:

1. Erection of a porch to the front elevation, measuring 3m height, 2.3m width and 1.3m depth;
2. 2 x roof lights to the front elevation;
3. Single storey side and rear extension measuring 4m height, 4.8m width and 9.4m depth;
4. Single storey rear extension measuring 3m height, 8.6m width and 3m depth;
5. Rear elevation dormer measuring 3.6m height, 9m width and 3m depth; and
6. A conversion of the hipped roof to form a gable extension.

### Assessment

The application is divided into three elements, with each to be individual assessed below.

#### 1. Change of Land Use

As part of this application, the land is proposed to change from its existing agricultural use to paddock land.

The land in question is adjacent to the street scene along Clacton Road to the south. While the southern boundary is partially vegetated, the land is generally open and publically visible. However, the land is also parallel to residential land to the south and therefore despite being prominent from views to the east it will be viewed in conjunction with this residential land. Given the above, and that the amended plans show 1.8m high leylandii planting to the southern and eastern boundaries, the change of use represents a relatively minor impact to the character and appearance of the area. Full details of the soft landscaping will be conditioned, while, permitted development rights for new boundary fencing will be removed, to ensure the semi-rural and open character of the site is retained.

#### 2. Stable and Tack Room:

In respect of the proposed stable and tack room, 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;

*Initially, Officers had raised concerns with both the size and siting of the proposed building in this sensitive semi-rural location. Amended plans reduced the size of the stables from three to one, and sited the building approximately 16m back into the site adjacent to the existing built development along this side of Clacton Road. Given these changes, that the building is also single storey and using traditional materials, and that there are other nearby examples of outbuildings, it is not considered the proposal would result in such harm to the character of the countryside that a reason for refusal is justified.*

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

*The proposal initially included provision for three stables, with the agent for the application claiming that the wider site (outlined in blue on the submitted plans) was of sufficient size to justify this number of stables. However, given that this highlighted land does not form part of the change of use application, it is classed as agricultural land, and is thereby not considered when determining the size of the stables required. Accordingly the agent for the application submitted amended plans that have reduced the number of stables to one, which is now considered acceptable.*

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

*The surrounding area is semi-rural with some residential properties to the south and west. However, given there is a significant distance 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.*

*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 agent for the application has stated within their supporting statement that liquid, solid waste and associated contaminated waters shall be spread over the applicant's own fields. The Council's Environmental Protection team have confirmed they raise no objections.*

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 proposal is to utilise an existing vehicular access to the south-west of the site, and as such Essex Highways Authority raises no objections to the proposal. Further, a condition will be attached to the decision to ensure the proposal is for the applicant's personal use only, thereby reducing any impacts to the highway network.*

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

*The access being utilised is already in situ and will therefore result in a neutral impact to the character of the countryside.*

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 significant 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 proposal 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 stable building is only used privately and that no commercial use occurs.*

### 3. Double Garage/Garden Store Room

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).

Initially the plans showed a large building serving a double garage and a large garden storage area that was of a similar size to the double garage. Officers raised concerns with this size, and again had issues with its siting so close to the highway and forward of the existing built form along this section of Clacton Road. Accordingly amended plans were supplied that set the building back to approximately 16m from Clacton Road and more in line with the residential properties to the west. Given these changes the single storey structure, whilst relatively prominent, will result in far less harmful visual impacts to the semi-rural character of the area. This harm is further reduced by the proposed stable building, which will reduce impacts from views to the east.

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).

Given its single storey nature and separation distance to all surrounding properties, there is considered to be a neutral impact to the existing amenities of nearby residents.

#### Other Considerations

Great Oakley Parish Council has not commented.

There have been no other letters of representation received.

#### **6. Recommendation**

Approval - Full

#### **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 P03, P01c and P02c.

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 stable building and paddock land hereby approved shall be used solely in connection with the private stabling 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.

- 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 Prior to the occupation of the hereby approved buildings a vehicular turning facility of a design to be previously approved in writing by the Local Planning Authority shall be constructed, and retained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

- 7 Any gates provided at the vehicular access shall be inward opening only and shall be set back a maximum of 0.5 metres from the back edge of the verge or where no provision is present, the carriageway.

Reason: In the interest of highway safety.

- 8 Notwithstanding the details on drawing number P01c, prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction.

Reason - To enhance the visual impact of the proposed works.

- 9 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 enhance the visual impact of the proposed works.

- 10 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no erection of a gate, fence, wall or other means of enclosure except in accordance with drawings showing the design and siting which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To protect the semi-rural landscape and in the interests of visual amenity.

## **8. Informatives**

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

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.

Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.



In relation to condition 09 an alternative species is suggested eg laurel hedging or mixed nature hedging.