

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	08/04/2021
Planning Development Manager authorisation:	TF	08/04/2021
Admin checks / despatch completed	DB	09.04.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	09/04/2021

Application: 21/00274/FUL **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr B Eagle - J.W & F.D Eagle

Address: Walton Hall Farm Old Hall Lane Walton On The Naze

Development: Proposed demolition of an existing outbuilding and replacement with new stables building along with the conversion of an existing outbuilding to provide ancillary facilities. Provision for new car parking and proposed removal of existing water storage tank

1. Town / Parish Council

Frinton and Walton Town Council
15.03.2021

Recommends this application for approval

2. Consultation Responses

ECC Highways Dept
06.04.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. Due to the current COVID-19 restrictions no site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material. The Highway Authority observes that the site is on part of Old Hall Lane that is classified as a Private Road and would not normally comment, however, the proposal will utilise an established vehicular access, when compared with the former agricultural use, the level of activity will be on a par or possibly reduced. It appears that the site will retain adequate off-street parking and turning, therefore:

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

1. There should be no obstruction above ground level within a 2.4 metres wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety in accordance with policy DM1.

2. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced, and maintained 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.

3. Each vehicular parking space shall have minimum dimensions of 2.5 metres x 5.5 metres.
Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

4. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.
Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

5. The proposed development shall not be occupied until such time as car parking for a minimum of six vehicles has been provided in accordance with the Parking Standards, as detailed in principal with drawing no. Pa-10-a. The agreed car parking shall be retained at all times for such purpose.
Reason: To ensure that on street parking of vehicles in the adjoining streets/roads does not occur and that appropriate parking is provided in accordance with Policy DM8.

6. 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.
Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway 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: 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.

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

3: 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 or by post to:

SMO1 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester, CO7 7LT

4: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Essex County Council
Heritage
26.03.2021

Built Heritage Advice pertaining to an application for: Proposed demolition of an existing outbuilding and replacement with new stables building along with the conversion of an existing outbuilding to provide ancillary facilities. Provision for new car parking and proposed removal of existing water storage tank.

The Grade II listed Barn Approximately 40 Metres North East Of Walton Hall And East Of Barn Qv 4/90 (List UID: 1337141) and Barn Approximately 40 Metres North Of Walton Hall And West Of Barn (List UID: 1317124). are located immediately adjacent to the site. The historic western part of the east-west range that this application pertains to is considered curtilage listed. The Grade II listed Navigation Tower at Walton Hall (List UID: 1165806) is located in proximity to the Site.

ECC Heritage are supportive of this application in principle and support the principle of a holistic masterplan approach to the sympathetic conservation of the above identified barns and curtilage listed outbuildings at the site, through optimum viable uses consistent with their conservation.

Following the submission of minor revisions, ECC Heritage are unopposed to this application subject to the following recommended conditions:

- Prior to the commencement of any works, and of building recording, a Written Scheme of Investigation (WSI) shall be submitted to and approved by the Local Planning Authority.
- No demolition or conversion can commence until a programme of historic building recording commensurate with Historic England Level 2 as set out in Understanding Historic Buildings, Historic England (2016), has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the Local Planning Authority. A bound hard copy and digital copy of the recording report will be deposited with the County Historic Environment Record prior to the occupation of the development, or within three months of the recording survey being completed, whichever is the sooner. Project details and a digital copy of the report will be uploaded to the Archaeology Data Service

OASIS website by the contractor.

- Rainwater goods shall be black painted or powder-coated metal and shall be permanently maintained as such.

- Prior to commencement of above ground works, a schedule of external finish materials, including brickwork and pantiles to match the existing including specification of brick bond style, shall be submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such.

- Prior to installation of doors and windows, a schedule of drawings that show details of proposed windows and doors, including any louvres, in section and elevation at scales between 1:20 and 1:1 as appropriate, showing details of framing, glazing bars, cills and pentice boards/drips, and ironmongery, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

- Prior to first use, a drawing and specification showing details of proposed boundary treatments and landscaping shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

3. Planning History

21/00274/FUL	Proposed demolition of an existing outbuilding and replacement with new stables building along with the conversion of an existing outbuilding to provide ancillary facilities. Provision for new car parking and proposed removal of existing water storage tank	Current
21/00275/LBC	Proposed demolition of an existing outbuilding and replacement with new stables building along with the conversion of an existing outbuilding to provide ancillary facilities. Provision for new car parking and proposed removal of existing water storage tank	Current

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
EN1	Landscape Character

COM12	Equestrian Uses and Buildings
EN23	Development Within the Proximity of a Listed Building
TR1A	Development Affecting Highways

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

SPL3	Sustainable Design
PP13	The Rural Economy
PPL3	The Rural Landscape
PPL9	Listed Buildings

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site relates to Walton Hall Farm which is a collection of farm buildings comprising of two Grade II listed barns, outbuildings and farm storage areas with existing vehicular access from Old Hall Lane. The application buildings are within the curtilage of two Grade II listed barns.

Proposal

The application seeks planning permission for the demolition of an existing outbuilding and replacement with a new stables building with the conversion of an existing outbuilding to provide ancillary facilities. The application consists of 6 stable rooms with 6 associated tack rooms. The existing conversion will comprise of a disabled W/C and two W/C's along with a staff kitchen and cloakroom.

Assessment

The main considerations for this application are:

- Principle of development
- Design and Appearance
- Impact upon neighbouring amenities
- Heritage Impact
- Trees and Landscaping
- Highways Authority and Parking Provision
- Other considerations

Principle of Development

The principle policy to consider for this application is Policy COM12 of the Tendring District Local Plan (2007) which states, inter alia, that proposals for the erection of stables will be considered in relation to the following:

- o The nature and scale of the equestrian use and the impact of the built development on the character of the countryside
- o The impact of any built development on the amenity of neighbouring residential properties
- o Whether suitable arrangements have been made for the disposal or storage of soiled material and foul drainage provision
- o Whether suitable vehicular access can be provided.

Design and Appearance

QL9, QL10 and QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property.

The proposed stables building is considered to be of a scale, nature and design appropriate to the locality. The new stables will be located to the north of the application site and will be seen in conjunction with the existing buildings on the application site. The proposed building is not considered to cause any impact upon Old Hall Lane due to the set back from the highway. The stable block is single storey with the addition of the conversion which will accommodate the staff room and toilets. The buildings will be constructed from facing brickwork to match the existing, black stained timber feather edged weatherboarding, existing pantiles re-used and new pantiles to match existing, timber windows and doors and timber posts on staddle stones. The proposed materials are considered to be acceptable.

Impact upon neighbouring amenities

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).

Due to the rural nature of the application site and there being sufficient distance to the neighbouring dwellings along Old Hall Lane, it is considered that the proposed development will not cause any significant impact upon neighbouring amenities.

Heritage Impact

Paragraph 189 of the National Planning Policy Framework ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is retained by draft Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Paragraph 196 of the Framework adds that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy EN22 of the Saved Plan states that development involving proposals to extend or alter a Listed Building will only be permitted where; it would not result in the damage or loss of features of special architectural or historic interest; and the special character and appearance or setting of the building would be preserved or enhanced. These requirements are carried forward to Policy PPL9 of the Emerging Publication Draft (June 2017) which also requires the use of building materials, finishes and building techniques that respect the listed building and its setting.

The Councils Historic Environment Officer has been consulted on this application and has stated that the Grade II listed Barn Approximately 40 Metres North East Of Walton Hall And East Of Barn Qv 4/90 (List UID: 1337141) and Barn Approximately 40 Metres North Of Walton Hall And West Of Barn (List UID: 1317124). are located immediately adjacent to the site. The historic western part of the east-west range that this application pertains to is considered curtilage listed. The Grade II listed Navigation Tower at Walton Hall (List UID: 1165806) is located in proximity to the Site.

The officer is supportive of the application in principle and supports of the principle of a holistic masterplan approach to the sympathetic conversion of the above identified barns and curtilage listed outbuildings at the site, through optimum viable uses consistent with their conservation.

Following the submission of minor revisions, the officer is unopposed to the application subject to conditions relating to a written scheme of investigation, no demolition or conversion can commence until a programme of historic building recording has been submitted and approved in writing by the local planning authority. A condition will be imposed to ensure that the rainwater good are black painted or powder coated metal, a schedule of external finish materials including the brickwork and pantiles to match the existing including specification of brick bond style, a schedule of drawings showing the details of the proposed windows and doors including any louvres, in section and elevation and a drawing and specification detailing the proposed boundary treatments and landscaping.

It is therefore considered that the proposed works will not cause any harm to the historic fabric or character of the Listed Building, and the proposal is therefore acceptable against this criteria.

Trees and Landscaping

No trees or other vegetation will be affected by the development proposal.

Taking into account the current and future use of the application site and surrounding land there is little scope or public benefit to be gained from soft landscaping associated with the development proposal.

Highways Authority and Parking Provision

Essex Highways Authority have been consulted on this application and have stated that the information that was submitted in association with the application has been fully considered by the Highway Authority. Due to the current COVID-19 restrictions no site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material. The Highway Authority observes that the site is on part of Old Hall Lane that is classified as a Private Road and would not normally comment, however, the proposal will utilise an established vehicular access, when compared with the former agricultural use, the level of activity will be on a par or possibly reduced. It appears that the site will retain adequate off-street parking and turning. The Authority have no objection subject to conditions relating to visibility splays, vehicular turning facility, parking space measurements, cycle parking, car parking and storage of building materials. The parking space measurement condition will not be imposed as sufficient parking is provided in line with Essex Parking Standards. The cycle parking condition will also not be imposed as there is sufficient room on site to accommodate cycle parking. The storage of building materials will be imposed as an informative only.

The proposed plan demonstrates that there will be six parking spaces opposite the proposed stables which are in line with the requirements of Essex Parking Standards.

Other Considerations

Frinton and Walton Town Council recommend this application for approval.

No letters of representation have been 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 plan:

- Drawing Ref- PA-10-B - Proposed Site Plan
- Drawing Ref- PA-11-A - Proposed Floor Plans and Elevations

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

- 3 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 hard and soft landscaping works for the site, which shall include all boundary treatments and 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 soften and enhance the development in the interests of visual amenity and the preservation and enhancement of the heritage assets.

- 4 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 ensure the implementation and maintenance of the approved scheme in the interests of visual amenity and the preservation and enhancement of the heritage assets.

- 5 No above ground works shall take place until precise details of the provision, siting, height, design and materials of all new screen walls and fences have been submitted to and agreed in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the first occupation of the approved dwellings and shall be retained thereafter in the approved form.

Reason - In the interests of visual, residential amenity and the preservation and enhancement of the setting of the heritage assets.

- 6 There should be no obstruction above ground level within a 2.4 metres wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety

- 7 Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced, and maintained 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

- 8 The proposed development shall not be occupied until such time as car parking for a minimum of six vehicles has been provided in accordance with the Parking Standards, as detailed in principal with drawing no. Pa-10-B. The agreed car parking shall be retained at all times for such purpose.

Reason: To ensure that on street parking of vehicles in the adjoining streets/roads does not occur and that appropriate parking is provided

- 9 No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

Reason - In the interests of neighbouring amenities

- 10 Prior to first use of the stables hereby approved, a waste management plan dealing with the storage and removal of horse manure shall be submitted to and approved in writing by the Local Planning Authority. The approved waste management plan shall be adhered to at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of residential amenities to ensure that they do not suffer a loss of amenity by reason of odour.

11 There shall be no burning of horse manure on the site at any time.

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.

12 Effluent originating from the stable floor must be considered foul water and thus conveyed and disposed of in the same manner as domestic foul water.

Reason - To ensure an adequate and satisfactory means of foul drainage.

13 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.

Highways

1: 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.

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

3: 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 or by post to:

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Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO