

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	MP	04/05/23
Planning Manager / Team Leader authorisation:	SCE	09.05.2023
Planning Technician final checks and despatch:	ER	10/05/2023

Application: 23/00306/FUL **Town / Parish:** Little Bentley Parish Council

Applicant: Mr and Mrs C McDowell

Address: Pump Farm Cottage Tendring Road Little Bentley

Development: Demolition of existing stable block and erection of replacement stable block and associated machinery/tractor store.

1. Town / Parish Council

Little Bentley Parish Council No comments received.

2. Consultation Responses

Essex County Council Heritage
19.04.2023

The application is for demolition of existing stable block and erection of replacement stable block and associated machinery/tractor store.

The proposal site is in proximity to the following designated heritage assets:

- Grade II Listed Old Maltings to West of Maltings Farmhouse;
- Grade II Listed Paddock Hall.

Pump Farmhouse complex of buildings is also already visible in the 19th century historic OS Maps, however the existing outbuildings, including the stable block, are 20th century additions.

The proposal is not considered to affect the setting of the above mentioned designated heritage assets. There is therefore no objection to this application.

Tree & Landscape Officer
04.04.2023

No trees or other significant vegetation will be adversely affected by the proposed development.

The application site is set back from the highway and there will be little public benefit to be gained by new soft landscaping associated with the development.

ECC Highways Dept
21.04.2023

The information submitted with the application has been assessed by the Highway Authority and conclusions have been drawn from a desktop study with the observations below based on submitted material. No site visit was undertaken in conjunction with this planning application. It is noted that the applicant has 2 horses but are looking to acquire a third small pony for family use. As a result, the proposal is to demolish the existing wooden stable and replace it with purpose build stables, tack room, feed straw/hay store and separate secure tractor/ machinery store. There are no traffic or parking implications as a result of the proposal as the scheme is for domestic use only and

the horses will be kept on site. The proposal does not alter the access point to site from the highway. The stables are served by an existing track which is located to the side of the paddocks and runs from the driveway area of the dwelling. It is noted that the proposal does not generate additional nor reduce the existing parking provision of the host dwelling. There will be no change in traffic movements to and from site as a result of the replacement stables as there are horses and stables already on site, considering these factors:

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

Informative:

1: 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

2: Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

3: 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.

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.

Environmental Protection
03.04.2023

With reference to the above application, I can advise we have reviewed the submitted documents and have the following comments to make:

Manure Management Plan: A plan for storage and removal of horse manure is to be confirmed with this Authority.

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

Burning on Site: No burning of horse manure should be carried out on site.

REASON: to protect the amenity of nearby residential dwellings

Should you have any queries concerning this, please do not hesitate to contact me.

3. Planning History

02/02172/FUL	Conversion of garage to living space. Rear porch additions	Approved	13.01.2003
07/01677/FUL	Two storey side and rear extensions; alterations to front bay window; and increase in ridge height of existing dwelling	Approved	04.12.2007
13/01350/FUL	Proposed single storey side extension.	Approved	27.01.2014
19/00066/FUL	Single storey side extension, relocation of existing side entrance porch to the front elevation and insertion of new ground floor window to side elevation.	Approved	11.03.2019

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth

SPL3 Sustainable Design

PP13 The Rural Economy

PPL3 The Rural Landscape

PPL9 Listed Buildings

PPL10 Renewable Energy Generation

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal

Site Description

The application site is Pump Farm Cottage, which is sited to the northern section of Tendring Road within the parish of Little Bentley. The area of the site specifically relating to this application is the land to the rear (north) of Pump Farm Cottage, and is to be accessed via an existing access to the south-western corner of the site.

There are residential properties, including Pump Farm Cottage immediately south of the site, and other agricultural buildings sited to the east. The wider character sees sporadic development along this section of Tendring Road, but beyond that the character is rural in nature; to the north and east in particular are large areas of open fields.

The site falls outside of a recognised Settlement Development Boundary within the adopted Local Plan 2013-2033.

Description of Proposal

This application seeks planning permission for the demolition of the existing stable block building, to be replaced with a building utilised as a stable block and associated tractor/machinery store for domestic use, measuring 12m x 24m with a height of 4.8m, and finished in steel box profile cladding and fibre cement sheeting.

Assessment

1. Principle of Development

Paragraph 83 of the NPPF (2021) advises that decisions should enable sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Paragraph 84 of the NPPF (2021) makes it clear that decisions should recognise that sites to meet local business needs in rural areas may have to be found beyond existing settlements and in locations that are not well served by public transport.

Adopted Policy PP13 is concerned with supporting the rural economy and states that, to support growth in the rural economy the Council may grant planning permission for business and equine related activities.

The proposed development would result in the replacement building of a stable block to be used for domestic horse keeping and wider associated feeds and machinery. The supporting statement confirms that the occupants currently have two horses but wish to increase this to three, and wish to have purpose-built facilities for this as well as associated machinery to maintain the paddocks. Taking this into consideration, the proposal aligns with the aforementioned requirements of Policy PP13 and therefore the principle is acceptable subject to the details considerations below.

2. Design, Layout and Appearance

Paragraph 130 of the National Planning Policy Framework (NPPF) (2021) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Adopted Policy SPL3 Part A (b) requires that development relates well to its site and surroundings, particularly in relation to its siting, height, scale, massing, form, design and materials.

Adopted Policy PPL3 confirms the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance.

The building is to be located to the rear of Pump Farm Cottage, and will not be visible from the street scene along Tendring Road. The building is of a large size, approximately 288sqm and measuring 4.8m height, however Officers acknowledge that the immediate character sees other similarly sized buildings located directly adjacent. Similarly, the building has an appearance that would be expected in such a location, and the external materials are reflective of the other buildings on site being steel box profile clad. Taking the above into consideration, the proposal will not appear out of keeping with the area, and will not result in significant visual or landscape harm.

3. Heritage Impacts

Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Section 1 states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric.

The application site is located within proximity of the two following designated heritage assets:

- Grade II Listed Old Maltings to West of Maltings Farmhouse (approximately 250m to the east); and
- Grade II Listed Paddock Hall (approximately 130m to the south).

Given the above, Essex County Council Place Services (Heritage) have been consulted, and have confirmed that the proposal will not affect the setting of either Grade II Listed Building and therefore have no objections.

4. Highway Safety

Paragraph 108 of the National Planning Policy Framework 2021 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 111 of the Framework states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy SPL3 (Part B) of the Adopted Local Plan seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate vehicle and cycle parking.

Essex Highways Authority have been consulted, and have stated that there are no traffic or parking implications as a result of the proposal as the scheme is for domestic use only and the horses will be kept on site. In addition, they highlight the proposal does not alter the access point to site from the highway, and the proposal does not generate additional nor reduce the existing parking provision of the host dwelling. Furthermore, there will be no change in traffic movements to and from site as a result of the development, and therefore they raise no objections.

5. Impact to Neighbouring Amenities

Paragraph 130 of the National Planning Policy Framework (2021) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

While there are residential properties sited to the south of the site, given the building will be of a similar size to existing buildings adjacent, and that there is good separation distances, Officers do not consider there would be any significant harm to existing neighbouring amenities that would warrant recommending a reason for refusal.

6. Tree and Landscape Impacts

The Council's Tree and Landscapes Officer has been consulted, and has stated the following:

"No trees or other significant vegetation will be adversely affected by the proposed development.

The application site is set back from the highway and there will be little public benefit to be gained by new soft landscaping associated with the development."

Accordingly no objections are raised in this regard.

7. Renewable and Energy Conservation Measures

Paragraph 112 of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. However, recent UK Government announcements that ULEV charging points will become mandatory for new development have yet to be published.

Policies PPL10 and SPL3, together, require consideration be given to renewable energy generation and conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy installations.

The proposal includes for a development that has the potential to incorporate renewable features. No details, however, are provided within the application submission. Therefore, it is considered reasonable and necessary to include a planning condition requiring a scheme, together with a timetable to be submitted for the consideration and installation of these measures, as such a condition is capable of addressing these policy requirements.

Other Considerations

Little Bentley Parish Council have not provided any comments.

There have been no other letters of representation received.

Conclusion

The application will result in the erection of a building to facilitate stables and machinery for domestic use only, and is acceptable in principle. While the building is of a large size, there are other existing buildings within the immediate vicinity of a similar size and design, and therefore the proposal will not appear visually harmful. Essex County Council Place Services (Heritage), Essex Highways Authority and the Council's Tree and Landscapes Officer raise no objections, and Officers do not consider there to be significant harm to existing neighbouring amenities. Accordingly, the application complies with local and national planning policies and is recommended for approval.

6. Recommendation

Approval.

7. Conditions

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Documents titled 'Location Plan - Pump Farm Cottage', 'Floor and Elevation Plans', outlining the proposed elevations, 'Floor and Elevation Plans', outlining the proposed floor layout plan, 'Proposed Block Plan', and 'Proposed Site Plan'.

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar,

will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

- 3 CONDITION: No development shall commence above slab level until a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme should include as a minimum the following:-

- Agreement of carbon level;
- Agreement of provisions to ensure the development is zero carbon ready;
- A Water-butt;
- Compost bin;
- Agreement of heating of each building; and
- Agreement of scheme for waste reduction

The scheme shall be fully implemented prior to the first occupancy of the development unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be constructed and the measures provided and made available for use as may be agreed and thereafter shall be maintained.

REASON: To enhance the sustainability of the development through better use of water, energy and resources reduce harm to the environment and result in wider public benefit in accordance with the NPPF.

NOTE/S FOR CONDITION:

Slab level is normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

The greatest threat to our planet is the belief that someone else will save it and also forgetting that small acts, when multiplied by millions of people, can transform the world. Developments will provide buildings/homes to thousands/millions of people over their lifetime. A well designed sustainable development in the beginning will restrict the contribution each person makes to that threat and help enable them to transform the world.

- 4 CONDITION: The building 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 CONDITION: 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.

- 6 CONDITION: Prior to first use of the building 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 and environmental protection.

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 Informatives:

1: 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

2: Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

3: 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.

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.