

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|--|----------|------------|
| Case officer recommendation: | JR | 25.05.2023 |
| Planning Manager / Team Leader authorisation: | JJ | 25/05/2023 |
| Planning Technician final checks and despatch: | ER | 25/05/2023 |

Application: 23/00285/FUL **Town / Parish:** Ardleigh Parish Council

Applicant: Mr Adam Fryer

Address: Land South of Sunflower Cottage Spring Valley Lane Ardleigh

Development: Proposed change of use of agricultural land to enclosed field for private dog walking, access modification and associated works.

1. Town / Parish Council

Clerk to Ardleigh Parish Council To clarify the previous comment- if the development is for commercial activities (with cars coming and going) then the Highways implications need full consideration.

Clerk to Ardleigh Parish Council Our council would not wish to see permanent structures on the site, now or in the future . It is not clear whether the proposed facility would be a commercial dog-walking facility or for personal/ private use, if the former, then consideration of the likely additional traffic would be needed before permission is granted,

2. Consultation Responses (Summarised)

Tree & Landscape Officer
17.03.2023 There are no established trees or other vegetation situated in the main body of the application site.

The application site is relatively well enclosed by an established countryside hedgerow adjacent to Spring Valley Lane and a row of Silver Birch underplanted with Portuguese Laurel on the northern boundary adjacent to the existing access to Hull Farm. A row of Poplar demarcates the eastern boundary, and some new planting has been carried out on the southern boundary adjacent to the A120.

There is a recently created access to the highway in the position shown on the Proposed Site Layout Plan.

In landscape terms the erection of the proposed perimeter fence and the creation of a small car parking area are unlikely to have a significant adverse impact on the local landscape character.

Should planning permission be likely to be granted then details of soft landscaping, as set out and described in the documentation supporting the application should be secured by a planning condition. Soft landscaping should aim to further screen and enhance the appearance of the application site.

ECC Highways Dept
02.05.2023 The site is situated to the south of Sunflower Cottage of Spring Valley Lane, classed as a local road within the County's Route Hierarchy and is subject to a width restriction (2.0m/ 6'-6') except for access. The proposal would introduce a new vehicular access onto Spring Valley Lane. The applicant has demonstrated that the new access will have adequate visibility splays based on the survey information

submitted with the application. It is noted that all dog walking sessions would be pre-booked for a period of an hour. Dog walkers cannot turn up speculatively. The proposal will be exclusively for the dog or dogs and their owners, and the owners walk/ exercise their own dogs. A small area of porous hardstanding would be provided together with an area for manoeuvring and parking for up to two vehicles. The proposed fence would be set in from the existing boundary hedges retaining the field margin, considering these factors:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions in regards to visibility splays, no unbound material to be used, construction of private drive, gates, surface water, boundary planting, parking area and spaces

Environmental Health
09.03.2023

I can confirm that Environmental Protection have no comments to make in relation to this application.

3. Planning History

None

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
SP6 Infrastructure and Connectivity
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
CP1 Sustainable Transport and Accessibility
CP2 Improving the Transport Network
HP5 Open Space, Sports & Recreation Facilities

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 located on the eastern side of Spring Valley Lane, to the south of Sunflower Cottage at the junction with the access track to Hull Farm. The site comprises of an open parcel of vacant agricultural land (some 1.2 Hectares) set to grass bordered by an established hedgerow fronting the highway and other mixed planting to the side and rear boundaries. The site is outside of any defined settlement development boundaries as identified within the Adopted Local Plan and is approximately a 40 min walk from Ardeigh. The site is also within Flood Zone 1 which has a low risk of flooding.

Proposal

The application seeks planning permission for the change of use of the agricultural land to an enclosed field to be used for private dog walking. The development would comprise of the formation of a new gated vehicular access from Spring Valley Lane along with a new parking area for two cars. The field would be enclosed by a 1.9m fence and a number of bins are to be provided around the perimeter of the site. The existing vegetation to the boundary of the site is to be enhanced with additional planting both along the boundary and within the site proposed.

The application is supported by:

Gate specification – 4.270 m wide, 1.86m high and is to be a metal fully meshed deer gate

Fencing specification – 1.9m high wire gauge fence with Clipex posts

Dog waste bin specification – 1 x 140 litre wheelie bin and 4 x 23 litre caddy bins, including details of waste carrier and removal provider.

Design and Access statement

Highways and Transport Technical Note – The Transportation Consultancy – Feb 2023

Operational details

The design and access statement submitted outlines the proposed use and operation of the dog walking field and is summarised as follows:

The field will provide 1 hour sessions (50 minute walking, 10 minute transfer time) to local residents and members of the public to privately walk and exercise their dogs

Sessions booked online with coded lock on gate for access and would be unstaffed

Sessions restricted to a maximum of 6 dogs at any one time

No agility equipment or permanent buildings to be on site

Opening hours 7 days a week changing with the seasonal daylight hours

No floodlighting proposed

Dog waste collected by professional and licenced waste contractor

No dog shows, competitions or events are to take place

Assessment

Principle of Development

Section 6 of the NPPF sets out policy guidance for supporting a prosperous rural economy. Paragraph 84 of the NPPF requires planning policies and decisions that seek to enable:

- a) The sustainable growth and expansion of all types of business in rural areas
- b) The development and diversification of agricultural and other land-based rural businesses
- c) Sustainable rural tourism and leisure developments which respect the character of the countryside; and

d) The retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

Policy PP 13 is aligned with the main thrust of the NPPF and seeks to support growth in the rural economy, the Council may grant planning permission for some types of development in the countryside outside of defined Settlement Development Boundaries, subject to detailed policy considerations. These types of development can include uses for employment, leisure or tourism and encourages farm diversification schemes.

Policy HP5 seeks to maintain, expand and improve the quality and accessibility of public open space, sports and recreational facilities of different types across the borough.

The site is currently vacant agricultural land, which is considered by the applicant to be of a size and location that makes it unviable for farming. Therefore the change of use would amount to a minor diversification from the sites existing agricultural use and would provide an employment, leisure and tourism facility within this rural area and is considered to have policy support both within the NPPF and the adopted Local Plan.

Therefore the principle of development in this rural location is considered to be acceptable subject to the detailed considerations outlined below.

Impact on Residential Amenity

Paragraph 130 of the NPPF 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 requires that the amenity of existing and future residents is protected. 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.

The application site is located in a rural area and is in close proximity to Sunflower Cottage and Hull Farm only. Whilst the site would see an increase in activity, including vehicle movements, the use of the site as a dog walking area is considered to be a low-key activity, with the use limited to 6 dogs at one time and opening hours are restricted to daylight hours only on a seasonable basis. Furthermore no external lighting is proposed.

Therefore the proposal is not considered to result in material harm to the residential amenities of the neighbouring properties in regards to noise and disturbance. As the site is adjacent to the front of the neighbouring properties there are no loss of privacy or overlooking concerns raised. It is also noted that additional planting and landscaping is proposed which would screen the site from view of the neighbouring properties.

Character and Appearance and impact on Visual Amenity

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness.

The application site is largely open agricultural land, with some planting and vegetation to the boundaries. The proposal encloses the site with a 1.9m fence and form a new gated vehicular access from the highway, all of which to a degree would have an impact on the open countryside nature of the site. However the site would largely remain an open area of countryside and the mesh fence is considered to be a suitable boundary treatment, whilst secure retaining some openness and is set in from the boundaries of the site and would largely be screened by the existing and proposed vegetation. Whilst the site would have a noticeable 'use' other than just open countryside, this use is considered to be an acceptable diversification in the countryside and

would seek to support the rural economy as well as providing a leisure and tourist facility within the borough.

The Council's Tree and Landscape Officer considers that the small scale nature of the development would not have a harmful impact on the open landscape character and that the proposed landscaping would help to mitigate any harm arising from the proposal and would also enhance the visual amenity and biodiversity within the site. It is therefore considered necessary to condition the proposed landscaping details to ensure that this is undertaken and also retained as such.

Highway Safety and Parking

Paragraph 110 of the NPPF states that when assessing applications for development the local planning authority must ensure, amongst other things, that a safe and suitable access to the site can be achieved for all users. Policy CP1 states that new development must be sustainable in terms of transport and accessibility and therefore should include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport.

The proposal seeks to form a new vehicular access from Spring Valley Road and a car parking area which can accommodate larger vehicles, which are used by professional dog walkers and sufficient space for manoeuvrability to leave the site in a forward gear. The access is wide enough for two vehicles to pass each other and the access gate is set back some 15m from the highway a sufficient distance to allow cars to pull off the highway before opening the gate in the interests of Highway safety.

Essex County Council Highways Authority have been consulted on the application and confirm that they have no objections subject to conditions, which where relevant can be added to any grant of planning permission.

Third Party Consultation Responses

One representation has been received following a public consultation which included a site notice posted at the site and neighbouring consultation letters sent out to the adjacent properties.

Summary of Matters raised

- Additional screening should be planted on northern border of the field to establish a soft barrier between the field, the farm track, the residential dwelling (Sunflower Cottage)
- Concern over noise and disturbance from dog barking to residents and nearby livestock.
- Restrict opening to sociable hours and in daylight to protect neighbour amenity

All material planning considerations raised have been taken into account within the assessment section of this report.

Conclusion and Planning Balance

The proposed development amounts to an appropriate diversification of the redundant agricultural use to create a low-key beneficial proposal in the countryside and has policy support within the NPPF and the adopted local plan and is therefore supported in principle. Officers are content there are no significant harms to the landscape character of the area, or to residential amenities, and Essex Highways Authority offer no objections. Accordingly the application is recommended for approval.

6. Recommendation

Approval – Full

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.

Approved Plans

Location Plan Rec'd 03.03.2023
Drawing No: 18022023 - Proposed Block Plan

Approved Documents

Gate specification – Rec'd 03.03.2023
Fencing specification – Rec'd 22.02.2023
Dog waste bin specification – Rec'd 03.03.2023
Design and Access statement - Rec'd 22.02.2023
Highways and Transport Technical Note – The Transportation Consultancy – dated Feb 2023

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. OPERATING HOURS

CONDITION: The use hereby permitted shall only operate between the hours of 06:00 to 21:00 every day, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of residential amenity

4. LANDSCAPING AND BIODIVERSITY

CONDITION: Prior to the first use of the development hereby approved, the soft and hard landscaping including all biodiversity enhancements, as shown on the approved plan 18022023 and detailed within the Design and Access statement Rec'd 22.02.2023 shall be fully implemented.

REASON: In the interests of visual amenity and the character and appearance of the area.

NOTE/S FOR CONDITION:

Should the landscape works include any new hedgerow, please consider the following planting for a native hedge. Native hedge: 50% hawthorn, 25% blackthorn (but beware - this can spread into adjacent fields), 15% field maple, 2% holly, 2% wild privet, 2% guelder rose, 2% dog rose, 2% buckthorn.

5 COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED - LANDSCAPING SCHEME

CONDITION: All changes in ground levels, soft/hard landscaping shown on the approved landscaping details (Drawing No: 18022023 and Design and Access Statement Rec'd 22.02.2023) shall be carried out in full 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 approved, in writing, by the Local Planning Authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

6. NEW ACCESS

CONDITION: Prior to first use of the development hereby approved, the new road junction/access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres x 75 metres to the north and of 2.4 metres x 98 metres to the south, as measured from and along the nearside edge of the carriageway. 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 vehicles using the road junction / access and those in the existing public highway in the interest of highway safety

Note: Minor trees/vegetation to be trimmed/cleared as necessary in order to achieve visibility splay within the highway verge, before the access is first used..

7. ACCESS DRIVE

CONDITION: Prior to the first use of the development hereby approved, the access drive hereby approved shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway/Highway Boundary and shall be provided with an appropriate vehicular crossing.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety

8. GATES

CONDITION: The vehicle access gates to the development hereby approved, as shown on Approved Drawing no. 18022023 provided at the vehicular access shall be inward opening only and shall be set back a minimum of 15 metres from the back edge of the footway/cycleway or where no provision of footway/cycleway is present, the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety

9. BOUNDARY PLANTING

CONDITION: Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

REASON: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety

10. VEHICLE PARKING AREA

CONDITION: Prior to the first use of the development hereby approved, the vehicle parking area indicated on the approved plans, must be constructed and surfaced with a porous material and 'Grasscrete' parking areas completed. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

REASON: To ensure that off street parking of vehicles is provided in the interests of highway safety

11. EXTERNAL LIGHTING

CONDITION: No external lighting or floodlights shall be installed on the site without express planning permission being first obtained.

REASON: In the interests of residential amenity and to protect the countryside character of the area.

12. DOG WALKING SESSIONS

CONDITION: All dog walking sessions within the development hereby approved must be for a maximum of 6 dogs at any one time and no agility, other such equipment, permanent structures and buildings to be erected on site without express planning permission being first obtained.

REASON: In the interests of residential amenity and to protect the countryside character of the area and on the basis of details submitted.

13. EVENTS

CONDITION

No dog shows, competitions or other events of any kind are to take place within the site at any time unless express planning permission has first been obtained.

REASON: In the interests of residential amenity and to protect the countryside character of the area and on the basis of details submitted.

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

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

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.

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.

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