

UTT/20/0930/FUL (STEBBING)

(Referred to Committee. Reason: Called in by Councillor Merifield)

PROPOSAL: **Construction of manege. Erection of stable block**

LOCATION: **Porters Hall
Porters Hall Road
Stebbing
CM6 3TB**

APPLICANT: **Mr Moore**

AGENT: **Mr J Bell**

EXPIRY DATE: **08.07.2020
01.10.2021 - Extension of Time**

CASE OFFICER: **Mark Sawyers**

1. NOTATION

1.1 Outside Development Limits
Mineral Safeguarding Area – Sand/Gravel

2. DESCRIPTION OF SITE

2.1 The site comprises of field that is located to the south-east of Stebbing and set to the North of Porters Hall Road, there is a footpath (no30) that runs through the site.

2.2 There site is bound by a mixture of post and rail fencing, hedgerow, and trees.

2.3 The site is irregular in shape with the access end located to the north-west; the site is approximately 0.31 ha in area and approximately 2.9 ha when taking the adjacent fields marked within the redline on the proposed site map in consideration.

3. PROPOSAL

3.1 The proposal is seeking the construction of an manege and the erection of a single storey stable block.

3.2 The proposed manege would be bound by a 1.2m post and rail fence, the manege measures 48m x 20m (960m²). It is located to the south-east of the site.

3.3 The stables would be 21.6m in overall length with a depth of 6m at the south-eastern elevation and 8.4m at the north-western elevation. It would have an eaves height of 2.5m, with a maximum ridge height of 4.06m. It would benefit from 7 no rooms that consist of 4 no. stables, a machine room, a groom room and a tack room.

3.4 The stables would be constructed from timber under corrugated roofing sheets in grey (box profile type) which is considered typical for this type of construction and usage.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

5. APPLICANT'S CASE

- 5.1 The applicant has provided the following in support of their application:

- Biodiversity Checklist
- Ecological Survey
- Example Photograph of Stable Block
- Supporting Photographs

6. RELEVANT SITE HISTORY

- 6.1 There is no relevant site history.

7. POLICIES

Uttlesford Local Plan (2005)

- 7.1 S7 – The Countryside
GEN1 – Access
GEN2 – Design
GEN4 – Good Neighbourliness
GEN5 – Light pollution
GEN7 – Nature Conservation
GEN8 – Vehicle Parking Standards
ENV2 – Development affecting Listed Buildings
ENV3 – Open Spaces and Trees
ENV12 – Protection of Water Resources
ENV13 – Exposure to Poor Air Quality
ENV14 – Contaminated Land

National Policies

- 7.2 National Planning Policy Framework – (20th July 2021)

8. PARISH COUNCIL COMMENTS

- 8.1 12th June 2020 - Stebbing Parish Council have objected to this application on a number of points.

Their full objection can be viewed online, their summarised objections are listed below:

- Introduces built form in open countryside
- To take horses from other stables, involves crossing a very busy road where the speed of traffic regularly exceeds the 40mph limit
- Condition of personal use for inhabitants of Porters Hall
- Illustration does not resemble the stables shown
- Proximity to mature oak trees
- No PROW on site

- Not safe to position horses and buildings in such close proximity to footpath
- No provision shown for supply of fresh water
- No provision is shown for dealing with foul water.
- No provision is shown for storage/dealing with manure and other waste
- No lighting provision shown.
- Illustration shows 4 stables while application states minimum 3. Clarity is required.
- Illustration shows Machine Room & Grooms Room. Are these intended as permanent/occasional accommodation?
- No provision shown for car parking for those using the site.
- Flooding occurs alongside road by the pond shown

8.2 31st March 2021 - Stebbing Parish Council have objected to this application on a number points.

Their full objection can be viewed online, their summarised objections are listed below:

- Highways objection at the time still stands
- No information regarding the water source and treatment of foul water and waste
- Proximity to the footpath

9. CONSULTATIONS

PLACE SERVICES ECOLOGY

9.1 Place Services Ecology has been consulted and have no objection to the proposal subject to securing biodiversity enhancement measures on the site.

9.2 Due to the proximity to a pond, a ecological study for Great Crested Newts was undertaken. This has satisfied the County Ecologist and as such there are no ecological objections to the application for the construction of manege and the erection of stable block.

9.3 It is therefore concluded that the proposal subject to conditions accord with the above policies and guidance insofar as they relate to Nature Conservation.

RECOMMENDED CONDITIONS:

9.4 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey (Essex Mammal Surveys, October 2020), as already submitted with the planning application, and agreed in principle with the local planning authority prior to determination. This includes, but is not limited to, keeping the site in a mown/short sward condition prior to and during development, retention and protection of boundary features, installation of 6 x bird boxes and a Barn Owl box at Porters Hall and creation of a log pile refugia and installation of solitary beehives on site.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 9.5 A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Survey (Essex Mammal Surveys, October 2020), including 6 x bird boxes and a Barn Owl box at Porters Hall and creation of a log pile refugia and installation of solitary beehives on site, shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: To enhance protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

PLACE SERVICES HERITAGE

- 9.6 As this proposal is opposite a number of Grade II Listed Buildings and a Grade II* Listed Building Essex County Council Heritage have been consulted on the proposals. The Heritage consultant has no objection towards the proposal. Therefore, there are no Heritage objections to the proposals in this location subject to a condition on the landscaping of the site.

RECOMMENDED CONDITIONS:

- 9.7 Details of all hard and soft-landscaping and boundary treatments must be approved in writing by the local planning authority prior to works commencing.

REASON: In the interests of the appearance of the development and preserving the historic character and appearance of the adjacent Listed Building and its setting in accordance with the adopted Uttlesford Local Plan 2005 – Policies GEN2, ENV2, ENV3, and the National Planning Policy Framework 2021.

ESSEX COUNTY COUNCIL AS LOCAL HIGHWAY AUTHORITY

- 9.8 There are no Highway objections to the application for the construction of manege and the erection of stable block. Highways has been consulted and have no objection to the proposal subject to conditions. It is therefore concluded that the proposal subject to conditions accord with the above policies and guidance insofar as they relate to highway safety.

RECOMMENDED CONDITIONS:

- 9.9 Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the 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 access and those in the existing public highway in the interest of highway safety

- 9.10 Prior to first occupation of the development, the access arrangement shall be constructed as shown in principle on DWG no. 2021-463-011 Rev. C (dated 31/08/2021) and shall be provided with an appropriate vehicular crossing of the highway verge.

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.

- 9.11 No unbound material shall be used in the surface treatment of the vehicular access within 10 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.

- 9.12 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 10 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety.

- 9.13 The public's rights and ease of passage over public footpath no. 30 (Stebbing) shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility.

- 9.14 Prior to occupation of the development, the vehicular turning facility as shown on the approved plans shall be provided and retained in this form 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

UDC LANDSCAPING OFFICER

- 9.15 The Landscaping officer had no comments to make regarding this application. There are a number of established trees located within the site, however the proposal stipulates the use of raft foundations in order to protect the tree roots.

- 9.16 It is therefore concluded that the proposal accords with policy ENV3 of the adopted Local Plan in this respect.

10. REPRESENTATIONS

- 10.1 A summary of the points raised in the representations are:

- PROW 30 runs through the site but is not shown.
- Size and shape on the plans do not match the elevations.
- Application for does not mention trees in the vicinity
- Foul Sewerage Disposal

11. APPRAISAL

The issues to consider in the determination of the application are:

- A The principle of the development (Policy S7)**
- B Whether the layout, design and appearance of the proposal is acceptable (Local Policy GEN2 and NPPF)**
- C Impact to neighbours (Policy GEN2, GEN4 and ENV3)**
- D Whether the proposal would have a detrimental impact on the adjacent Listed Buildings (Local Policy ENV2 and NPPF)**
- E Environmental Health (GEN5, ENV12, ENV13 and ENV14)**
- F Local Highway Authority (Policies GEN1 and GEN8)**
- G Ecology issues (ULP Policy GEN7)**

A The principle of the development (Policy S7)

- 11.1 In planning policy terms, the site lies outside of any established development limits as defined by the Uttlesford Local Plan. Consequently, for the purposes of planning, the site is considered to be within the countryside and subject to all national and local policies.
- 11.2 Policy S7 of the Local Plan advises that there will be strict control on buildings in the countryside, with planning permission only being given for development that needs to be there.
- 11.3 The review of the Local Plan policies considered that Policy S7 of the adopted Local Plan is partly consistent with the NPPF in that the protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development but that the NPPF takes a positive approach, rather than a protective one. Therefore, Policy S7 is still relevant to the consideration of this application.
- 11.4 The proposed stables and menage are in keeping with the area and something that you would expect to see in the countryside. It is of a suitable design and constructed from appropriate materials.
- 11.5 Due to the design and scale of the proposed development it is not considered that the proposals will not have a detrimental impact on the openness of the site or the rural character of the surrounding countryside area.
- 11.6 The principle of the development is acceptable with regard to Policy S7 of the adopted Local Plan.

B Whether the layout, design and appearance of the proposal is acceptable (Local Policy GEN2 and NPPF)

11.7 Strategic planning policies require development to be compatible with a settlement's character. Policy GEN2 provides more detail as to this consideration stating that development will not be permitted unless its design meets all of a number of criteria.

11.8 The first criterion of Policy GEN2 is that the development be compatible with the scale, form, layout, appearance, and materials of surrounding buildings. The buildings immediately opposite the site is a large weatherboarded Tye Barn with a smaller single storey equipment barn next to it.

Having considered the setting of the site and the existing street scene, it is thought that in broad terms the scale, form and appearance of the proposal is acceptable.

11.9 The second criterion is that the development should safeguard important environmental features in its setting. The site currently benefits from several established trees and hedgerow to its boundaries. The proposal does not seek to remove these and the stables are to be built on a raft style concrete foundation in order to protect the root structure of the nearby trees. As such the proposal is considered to meet this criterion.

11.10 A stable and a menage is not something that you would not expect to see located within the countryside setting. The proposals are of an acceptable design that will not fundamentally change the street scene or be out of keeping with the locality.

11.11 It is therefore concluded that the proposal accords with the above policies and guidance insofar as they relate to character and appearance. The proposal therefore accords with Policy GEN2 and the NPPF.

C Impact to neighbours (Policy GEN2, GEN4 and ENV3)

11.12 The site has a number of neighbours, Yew Tree Farm is located approximately 300m to the North-East of the site and the 'Three Horseshoes' is approximately 140m to the South-West.

11.13 Porters Hall is located to the South of the site; however this is within the ownership of the applicant.

11.14 At this level of separation distance to the neighbouring dwellings it is considered that any loss of privacy is minimal.

11.15 The proposal does not seek to remove any trees from the site or reduce any of the hedgerows that currently bind the site.

11.16 Uttlesford District Councils Landscaping officer has been consulted about the proximity of the proposed extension to the boundary and the proximity to the existing trees and hedgerow that run along the boundary.

11.17 Due to the low level of harm raised by this proposal, the no comments have been made to the proposal. There are a number of established trees located within the site, however the proposal is to use raft foundations it is considered that this is sufficient in order to protect the tree roots.

11.18 Due to positioning of proposed built form, there would be no material loss of amenity to any neighbour with regard to loss of daylight, overbearing impact or overshadowing.

- 11.19 Environmental Health have been consulted with regard to this proposal they have not objected to the proposal
- 11.20 With regard to impact to neighbours, the proposal is acceptable with regard to Policy GEN2, GEN4 and ENV3.

D Whether the proposal would have a detrimental impact on the adjacent Listed Buildings (Local Policy ENV2 and NPPF)

- 11.21 s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses
- 11.22 As this proposal has the potential to affect the setting of a number of Grade II Listed Buildings along with a Grade II* building, the Place Services Heritage consultant has commented on the proposals.
- 11.23 Due to its non-domestic function and it is siting opposite Porters Hall, the Heritage consultant do not have any objections subject to a condition outlining the hard and soft-landscaping and boundary treatments of the site.
- 11.24 It is considered that this proposal will cause no harm to the character and appearance of the adjacent Listed Buildings, and the Heritage consultant is satisfied that there are no grounds with regard to the historic environment in which to object.
- 11.25 Therefore, it is considered that the proposal accords with Policy ENV2 of the adopted Local Plan, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework (2021).

E Environmental Health (GEN5, ENV12, ENV13 and ENV14)

- 11.26 Uttlesford DCs' Environmental Health Team have been consulted and have no objections to the proposal subject to conditions regarding the external lighting.
- 11.27 The proposal is not considered to have an impact on the surrounding neighbours, cause light pollution or contaminate the land.
- 11.28 However, conditions regarding the manure and muck heap have been placed on the application by the Local Planning Authority in order to protect the residential amenity of the neighbours and the health of the members of public that would use the footpath.

F Local Highway Authority (Policies GEN1 and GEN8)

- 11.29 The Local Highway Authority has been consulted and have no objection to the proposal subject to conditions.

- 11.30 There are no Highway objections to the application for the construction of manege and the erection of stable block, they have assessed the application and confirmed with the Public Rights of Way Team that the erection of a stable in that location will not obstruct the definitive line of the footpath.
- 11.31 Parking is not indicated on the location/block plans however there is sufficient room to park a vehicle on the hard standing within the site without obstructing the highway, and the applicant owns Porters Hall opposite the site in which they have stated in their letter of representation that there is sufficient parking opposite the stables within the farm complex.
- 11.32 It is therefore concluded that the proposal subject to conditions accord with the above policies and guidance insofar as they relate to highway safety and parking.

G Ecology issues (ULP Policy GEN7)

- 11.33 ULP Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.
- 11.34 The application includes a completed Biodiversity Checklist and an Ecological Survey.
- 11.35 Place Services Ecology has been consulted and have no objection to the proposal subject to securing biodiversity mitigation and enhancement measures on the site.
- 11.36 It is therefore unlikely the proposed development will have harmful impact to adverse impact on protected species caused and therefore complies with Policy GEN7.
- 11.37 It is therefore concluded that the proposal subject to conditions accord with the above policies and guidance insofar as they relate to Nature Conservation.

12. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A** The site forms part of the countryside that lies to the east from the settlement of Stebbing, the proposal seeks to add development that is something that you would expect to see in this countryside setting.
- B** The design of the proposal is acceptable, it is something that you would expect to see in the countryside and would not be to the detriment of the character of the locality.
- C** Due to positioning of proposed built form, isolation distances and orientation there would be no material loss of amenity to any neighbour with regard to loss of daylight, overbearing impact or overshadowing, the footpath runs through the centre of the proposal, however the Highways Authority does not have any objections towards the proximity to the footpath as it does not conflict with the definitive line of the footpath.

- D** It is considered that this proposal will cause no harm to the character and appearance of the adjacent Listed Buildings
- E** Environmental Health have no objections to the proposal subject to a condition regarding the external lighting.
- F** There are no objections to the construction of manege and the erection of stable block. The Public Rights of Way Team have responded to confirm that the erection of a stable in that location will not obstruct the definitive line of the footpath.
- G** There is no evidence that the proposed development will have harmful impact to adverse impact on protected species.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

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.

2. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey (Essex Mammal Surveys, October 2020), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes, but is not limited to, keeping the site in a mown/short sward condition prior to and during development, retention and protection of boundary features, installation of 6 x bird boxes and a Barn Owl box at Porters Hall and creation of a log pile refugia and installation of solitary beehives on site.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

3. A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Survey (Essex Mammal Surveys, October 2020), including 6 x bird boxes and a Barn Owl box at Porters Hall and creation of a log pile refugia and installation of solitary beehives on site, shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: To enhance protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

4. Details of all hard and soft-landscaping and boundary treatments must be approved in writing by the local planning authority prior to works commencing.

REASON: In the interests of the appearance of the development and preserving the historic character and appearance of the adjacent Listed Building and its setting in accordance with the adopted Uttlesford Local Plan 2005 – Policies GEN2, ENV2, ENV3, and the National Planning Policy Framework 2021.

5. No manure shall be burnt on site.

REASON: to protect the amenity of neighbouring residential properties and the health of the members of the public using the footpath.

6. Any muck heap shall be not less than 15m from the boundary of adjacent residential properties and not less than 10m from any ditch or watercourse or footpath.

REASON: to protect the amenity of neighbouring residential properties and the health of the members of the public.

7. Details of any proposed floodlighting or external lighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details.

REASON: to protect the amenity of neighbouring residential properties.

8. Prior to first use of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the 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 access and those in the existing public highway in the interest of highway safety

9. Prior to first use of the development, the access arrangement shall be constructed as shown in principle on DWG no. 2021-463-011 Rev. C (dated 31/08/2021) and shall be provided with an appropriate vehicular crossing of the highway verge.

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.

10. No unbound material shall be used in the surface treatment of the vehicular access within 10 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.

11. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 10 metres from the back edge of the carriageway.

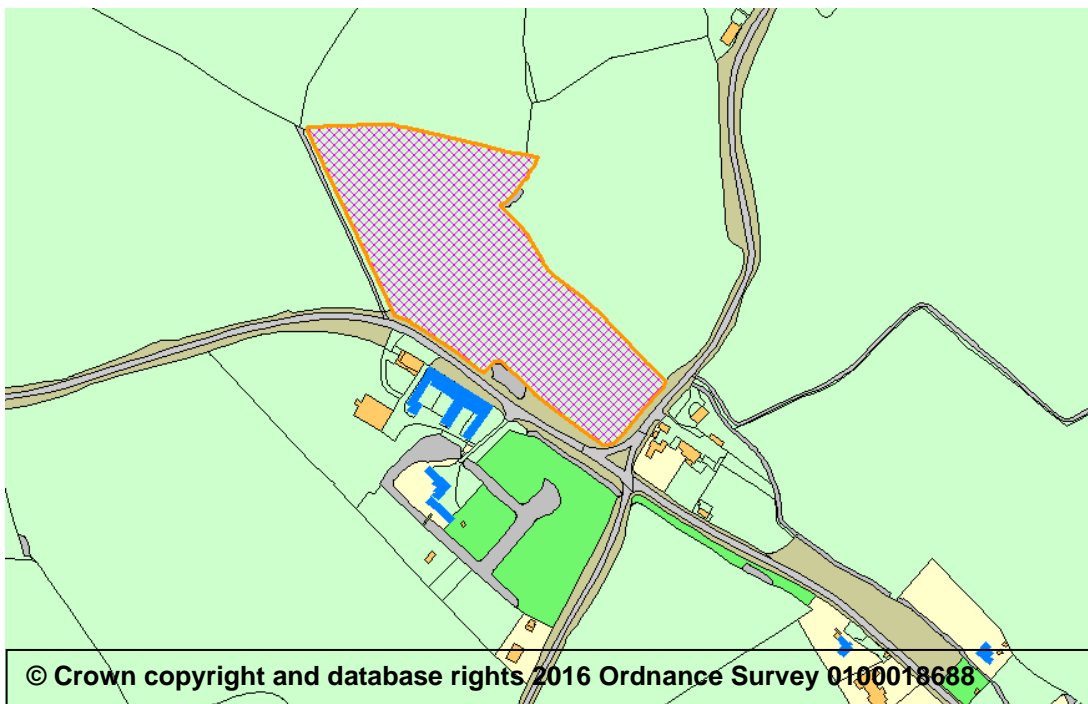
REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety.

12. The public's rights and ease of passage over public footpath no. 30 (Stebbing) shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility.

13. Prior to first use of the development, the vehicular turning facility as shown on the approved plans shall be provided and retained in this form 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



Organisation: Uttlesford District Council

Department: Planning

Date: 06 September 2021