07/00490/FUL

ROCHFORD DISTRICT COUNCIL



Council Offices Rochford Essex SS4 1BW

Date : 8th October 2007

TOWN & COUNTRY PLANNING ACT, 1990

NOTICE OF DECISION

Application No: 07/00490/FUL

Parish : Hockley Parish Council

Proposal: Construct Pitched Roofed Building to Provide 12 No. Stables, Feed, Tack, Stores, Mess and Office For Full Livery, Pitched Roofed Hay Barn, Form Access Onto Church Road and Parking Area and Construct Horse Exercise Menage.

Site Location : Land At Junction Of Murrels Lane Church Road Hockley

Applicant : T Cripps

The Council as District Planning Authority hereby give notice of their decision to **GRANT PLANNING PERMISSION** for the above proposal as described in the accompanying drawing(s) numbered 408-101, Location Plan and Menage detail date stamped 21st May 2007 and drawings numbered 408-100A and 408-102A date stamped 9th July 2007, subject to the conditions set out below

Note: This Planning Consent shall be read and construed in conjunction with an Agreement of 8th October 2007 herewith made under the provisions of Section 106 of the Town and Country Planning Act 1990.

Your attention is drawn to the notes enclosed

CONDITIONS

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

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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2 No development shall commence, before details of all external facing (including windows and doors) and roofing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such materials as may be agreed in writing by the Local Planning Authority, shall be those used in the development hereby permitted.

REASON: To enable the Local Planning Authority to retain adequate control over the appearance of the building, in the interests of amenity.

No floodlighting shall at any time be installed and/or operated on any part of the site, except as in accordance with details showing the shielding and orientation of any light source away from neighbouring dwellings and the highway, which shall previously have been submitted to and approved in writing by the Local

Planning Authority.

REASON: To enable the Local Planning Authority to retain adequate control over such details, in the interests of amenity and highway safety.

No development shall commence, before plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted, have been agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, which shall show the retention of existing trees, shrubs and hedgerows on the site and include details of:

- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;

- existing trees to be retained;

- areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;

- paved or otherwise hard surfaced areas;

- existing and finished levels shown as contours with cross-sections if appropriate;

- means of enclosure and other boundary treatments;

- car parking layouts and other vehicular access and circulation areas;

- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc;

- existing and proposed functional services above and below ground level (e.g. drainage, power and communication cables, pipelines, together with positions of lines, supports, manholes etc);



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shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

REASON: To enable the Local Planning Authority to retain adequate control over the landscaping of the site, in the interests of the character and appearance of this part of the Green Belt.

The buildings hereby approved shall not be occupied beneficially before visibility splays 2.4m x 90m have been provided at both sides of the approved vehicular access. Once provided, the said visibility splays shall thereafter be retained and maintained in their approved form, free of obstruction above the finished surface of the approved vehicular access.

REASON: To enable the Local Planning Authority to ensure that adequate visibility is provided, in the interests of highway safety.

The first 12m of the accessway shall be paved in permanent material as measured from the highway boundary.

REASON: In order to prevent the deposit of loose material on the highway in the interests of highway safety.

Prior to the beneficial occupation of the buildings hereby approved the existing field access at the junction of Murrells Lane and Church Road shall be suitably and permanently closed.

REASON: In the interests of highway safety.

The development hereby permitted shall be used only for purposes as a full Livery Yard.

REASON: In the interests of highway safety given the scope of the application to provide full livery service to keep highway movements to a minimum.

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9 Notwithstanding the provisions of Article 3, Schedule 2, Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) the site shall not at any time be used (whether incidental or otherwise) for the purposes of holding gymkhanas or any similar equestrian events, including such use for any temporary period.

REASON: To enable the Local Planning Authority to retain adequate control over such equestrian uses, in the interests of amenity.

10 The hatched area indicated on the plan, comprising the area between the proposed buildings and the boundary of Hockley Hall, shall be retained as paddock grassland and rides and shall not to be used for the open storage or for the parking of vehicles or trailers.

REASON : In the interests of the character and appearance of the Metropolitan Green Belt and the setting of the adjoining Listed Building.

11 Prior to the commencement of the development the applicant shall submit details to the Local Planning Authority for the proposed siting, storage and means of disposal for manure and waste material arising from the facility hereby approved. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.

REASON: In the interests of visual amenity and the character and appearance of the Metropolitan Green Belt and the setting of the adjoining Listed Building.

12 Prior to the commencement of the development and notwithstanding the requirements of condition 2 of this permission the applicant shall submit better details and particulars including written details and samples of the proposed external finishes to walls of the hay barn hereby approved. Such details shall comprise either the use of horizontal black weatherboarding or the application of black coloured exterior paint to the masonry walls including the brick plinth. The development shall be implemented in accordance with such details as may be agreed by the Local Planning Authority.

REASON: In the interests of visual amenity and the character and appearance of the Metropolitan Green Belt and the setting of the adjoining Listed Building.



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REASON FOR DECISION

The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.

Relevant Development Plan Policies and Proposals:

R1, LT14, BC1, of the Rochford District Council Adopted Replacement Local Plan

C2, LRT3, of the Essex and Southend on Sea Replacement Structure Plan

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There are no surface water sewers available and therefore alternative methods of disposal will need to be sought. There must be no discharge of surface water to the foul system.

I f permission granted request details of the surface water and foul sewers shall be approved before works commence on the site.

Senior Archaeological Officer:

Essex Historic Environment Record shows that the development lies on the site of a Second World War search light base (HER 20661). The base comprises a circular area of concrete as well as a separate base for a generator. This monument would be disturbed by the proposal. The first dwelling affects the side of a known banked enclosure (HER 13487). Archaeological recording would be required on the site prior to any development. Recommed that Archaeological excavation of the enclosure and survey of the floodlight base with the following condition:

 No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Further recommends that a professional a chaeolgical team should undertake the archaeological work consisting of the survey and recording of the floodlight base and careful excavation of the bank. Trail trenches will be required and an archaeological brief can be produced on request from their office detailing the work required.

Natural England : No Objection

Environment Agency

No objection but wishes to make the following comments:

 Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands and offer advantages over conventional piped drainage systems. SUDS is supported by paragraph 22 of PPS1 and in PPS25.

Strategic Planning Officer (Schools Service):



DEVELOPMENT CONTROL COMMITTEE - 26th JULY 2007 Item **

TITLE :

07/ 00490 /FUL

CONSTRUCT PITCHED ROOFED BUILDING TO PROVIDE 12 No. STABLES, FEED, TACK, STORES, MESS AND OFFICE FOR FULL LIVERY, PITCHED ROOFED HAY BARN, FORM ACCESS ONTO CHURCH ROAD AND PARKING AREA AND CONSTRUCT HORSE FACERCISE MENAGE.

APPLICANT : ZONING :

T CRIPPS METROPOLITAN GREEN BELT

PARISH: WARD: HOCKLEY HOCKLEY WEST

Introduction , and

and replaced with

This application is to a site on the western side of/Church Road and to the north of Murrells Lane. The site comprises improved grassland divided into paddocks and with of hacking route by ranch style fencing. The former established hedgerow to the frontage onto Church Road has been removed, Ranch style fencing 1.25m high now fronts-onte with new hedgerow planting. A slope exists across the site uphill from south to north but falling away towards Blountswood Road to the west.

To the west of the application site, but part of the same field was previously proposed a Mushroom Growing Unit refused permission on 14th December 2000 under application ref: 00/ 00068/FUL and which accessed midway along Murrells Lane by an improvement to the existing access. The application was refused permission because of the size and industrial appearance of the building and the impact upon the character and openness of attractive countryside. An Appeal against the Council's decision was dismissed.

schemetor stables granted planning consent

An alternative proposal previously approved for this development is currently subject to a Judicial Review.

PLANNING APPLICATION DETAILS

The proposal is to construct a pitched roofed building to provide 12 stables in a quadrangle 36.6m wide open on the eastern side facing onto Church Road and 25.1m deep. The building would accommodate a feed store, tack room, two stores, office and mess room. The building would have an overall height of 5.2m, and would comprise blockwork construction on a brick plinth with rendered external finish. The roof would be finished in red pantiles.

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The original application proposed a detached pitched roof hay barn with overall height of 4.6m and finished in fair faced blockwork to the lower walls and tanalised boarding with gaps to the upper walling. The roof would be finished in brown fibre corrugated cement sheeting.

In response to concerns at the appearance of this barn the applicants have since revised the design in consultation with the County Council's specialist advisor for Historic Buildings and Conservation Areas. As now proposed the barn would be larger to an overall height of 6.53m with a steeper roof pitch and rectangular footprint to the same 8.5m depth but increasing in width by 4.5m to an overall width 13.7m. The **barn as** revised would feature a Pantile roof to a greater roof angle and with tanalised boarding and fair faced blockwork as per the original design.

The barn would be located 5m to the rear of the proposed stable block.

The proposal also includes the construction of a 5.5m wide access road from Church Road, splayed with 10.5m radius to an overall width of 17m at the carriageway edge. Parking area for seven cars is included.

The proposal includes the provision of an exercise menage 50m long and 30m wide and contained within a 1.6m high post and rail fence. The riding surface would comprise a drained hardcore base overlaid with a geotextile membrane overlaid with sand. The menage would be located to the rear (west) of the proposed stable block.

The proposal would provide stabling and layout of site to provide full livery yard.

The proposal provides the same building and access as originally proposed in the application previously approved but subject to challenge. However, the current proposal provides for a different siting arrangement for the stable block to face onto Church Road and sited 52.5m from the adjoining Hockley Hall. The previous application was sited 11.5m from this adjoining Listed Building.

The dosign of the stable block and the configuration of the new access from Chinece Rood remain the same as the prenous apphiation, which is inventing the subject of a togan challenge. However, the current proposal locales the RELEVANT PLANNING HISTORY, stable block control of the original Application No. 05/00165/FUL block control of the original Mistance from Hockley Hall miceases from 50 m to F1/F1 m (bridling to building)

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Construct pitched roofed building to provide 12 stables, feed, tack, shavings, office and mess rooms, pitched roofed hay barn, construct access and parking area from Church Road and layout site to provide full livery yard. Permission granted 23rd May 2006.

This application has been subject to challenge by an adjoining resident and who has now been given permission to apply for a Judicial Keview of the Council's decision on the basis that the adjoining Listed Building Hockley Hall was not mentioned in the report and the proposal was naither advertised as affecting the setting of the adjoining That the pross to trighty hi Listed Building.

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advortised in the local press to

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This application is now subject to the process of a judicial review

CONSULTATIONS AND REPRESENTATIONS

Hockley Parish Council:

setting of Houskay Aall, a historic brick Object on the basis that Essex County Council are now taking an interest in the Parish Council's suggestion that the area should be declared a Conservation Area. It is considered that any development such as that now proposed could prove detrimental to the Conservation Area proposals.

Church Road is the only practical link between Hockley and Hullbridge and carries a significant amount of traffic. Although is subject to a 30 mph speed limit this is abused and a survey commissioned by a local resident has shown the average speed to be 42.5mph. It is suggested that the access will present traffic hazard, particularly where slow vehicles such as horse boxes leaving and entering the site are concerned. In addition a further hazard will be presented by horses ridden into and out of the site.

Esser Carry agrines Highways pro range or the Lavor Essex County Council Historic Buildings and Conservation Advice:

The appearance of the barn is the only aspect of this application about which still have reservations. The revised design produced on my request is very much improved in terms of proportion and shape but its external cladding will look at odds with the traditional appearance of the stables.

The simplest solution would be to paint the external walls (including and especially the concrete plinth) black, so that the barn looks more like a traditional agricultural outbuilding, at least from a distance. This is important in this attractive and rather sensitive rural location.

The preferred alternative would be to clad the barn in traditional horizontal black weatherboard.

If this matter can be respired I would recommend consent.

Environment Agency:

Offer advisory comments to minimise pollution potential from this development.

Liquid and solid animal / vegetable wastes and associated contaminated waters shall be stored and disposed of in a manner that will not lead to pollution of surface or underground waters. Good practice to achieve this includes the non – stockpiling of muck within 10m of a watercourse and no stockpiling on land containing land drains. Only clean surface water should discharge to any soakaway, watercourse or surface water sewer.

Natural England :

No objection

Woodlands Section:

Unable to provide comment until full landscaping plans have been submitted to include species list, species location, size, type of stock, planting timescales, planting method statement, aftercare management, replacement proposals.

Buildings / Technical Support (Engineers):

No objections or observations to make

2 Letters have so far been received in response to the public consultation and which make the following comments and objections;

- Although plans have revised the position of the buildings, the entrance to the site remains the same and presents a further hazard on a dangerous road and disagree with the view of County Highways having been party to various incidents over the years
- Extra traffic generated by the proposal will add to an existing potential for road accidents
- The proposed access adversely affects the wider countryside setting and rural character of the settlement of dwellings around the Church of St. Peter.
- The development is inappropriate and there is no need for it.
- Propose a more sympathetic design for the hay barn
- Refer to the report by the Historic Building advisor Peter Richards which points to the damage to the rural nature of this part of Church Road and the loss of so much hedgerow.
- Suggest more suitable sites exist particularly if related to the existing barns which have access onto Murrells Lane and have the advantage of not requiring a new access of Church Road.
- Mr Richards also refers to the design of the hay barn which uses materials unsympathetic to the rural setting and suggests a more traditional form using more suitable materials and incorporating the barn within the stable ranges rather than as a detached unit.
- In recognition of the importance to the rural character and setting of this area a report by Essex County Council Historic Buildings advisor commissioned by the District Council into the suitability of the settlement for Conservation Area status and highlights the importance of the countryside setting of the historic buildings.

- Has not been possible to establish ambient speed of traffic at the point of visibility from the access
- A letter from the highways department 10th April 2003 gave average speeds at this point being in the lower 30's with acceleration whilst still facing away from the access
- There is a blind spot in the overtaking lane opposite the entrance to "Mill Hill"
- Find acceptance of the access in the previous application hard to understand when there is the possibility for access at various points along Murrells Lane.

MATERIAL PLANNING CONSIDERATIONS

Policy C2 to the replacement structure of an and policy R1 to the Council's Adopted Local Plan (2006) require that development that might exceptionally be approved in the Green Belt be for small scale facilities for outdoor participatory sport that shall in turn preserve the openness of the Green Belt. More recent advice contained in Planning Policy Statement 7 (August 2004) states that small scale horse enterprises involving up to 10 horses should facilitate the re -use of farm buildings to provide useful farm diversification. The preamble to Structure Plan policy LRT 3 states in paragraph 12.19 that "... small scale stable and livery yards offering stabling for up to 20 horses may take place in the countryside without detriment to the management or appearance of the landscape..." It follows therefore that in the absence of a better definition it can fairly be said that small scale equine facilities would be expected to accommodate between 10 – 20 horses. The proposal for twelve stables would fall within this definition.

Policy LT14 to the Adopted Local Plan (2006) amongst other things requires that stabling be provided on land equivalent to a minimum of 0.5ha per horse where there are nearby bridle paths. The area of the site is some 6.27ha (15.5acres) allowing for the stabling of 12 horses given the existence of Bridle Paths at Blountswodd Road in the vicinity of the site. The erection of the stable building proposed would not therefore be inappropriate development in terms of the small scale nature of the proposal for the participation in outdoor sport and recreation.

The existing site is *left* open and slopes within the landscape giving prominence in the wider surroundings. A modern agricultural building exists to the south west of the site and there is a wider scattering of dwellings and a scrap yard in Murrells Lane. With the exception of the adjoining agricultural building the remaining sites are however screened by long established trees and hedging and are less prominent than the open grassland on which the proposal would be sited. In dismissing the previous appeal the Inspector concluded that the previous building the subject of that particular appeal was so large that it could not be satisfactorily screened. The proposed stables are however modest in size and earlied be screened by further planting and landscaping. This matter and the absence of such details of concern to the Council's Arboriculturalist can be the subject of a condition to any approval that might be given requiring the submission of further landscaping details.

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The design of the stable building is traditional in form and set over 50m from the curtilage of the adjoining Listed Building "Hockley Hall". Given the distance to the proposal and the amount of tree cover existing within the curtilage of the listed building

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it is not considered that the proposal materially affects the setting of this adjoining building such that permission should be refused. The site of the greater field is already divided into paddocks. Although the spaces about Conservation Areas are important, the proposed Conservation Area is not yet designated and although seemingly with some support, does nor carry sufficient weight to influence the current application.

The County Council's specialist advisor for Listed Buildings and Conservation Areas only has issue with the external treatment of the revised design of the hay barn, despite the history of the site and possible future designation of a Conservation Area near to or including the site. To this end the revised details of the barn largely overcome previous concerns. The matter of final agreement of the external materials and treatment of finishes can be the subject of conditions forming part of any approval that might be given.

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The proposed access is the same as previous to the subject of the approved application and to which the County Highways department reised no objection. Although the comments of the County highway authority on this revised application are awaited at the time of writing it is anticipated that the highway authority will raise no objection to the current proposal.

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CONCLUSION

The proposal represents small scale facilities for outdoor recreational purposes appropriate to the Metropolitan Green Belt. The revised siting south of the previous position to the approved application improves the relationship to the adjoining Listed Building Hockley Hall and is not considered to have a detrimental affect upon the setting of that Listed Building.

The previous application although subject to challenge remains to have the potential to be implemented should the challenge fail. There is therefore the prospect of both permissions overdeveloping the site. In this respect it is necessary to amend the existing agreement on the extant permission to include the current application as an externative to the current approval.

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RECOMMENDATION

 In event of the Essex County Council Head of Highways and Transportation formally objecting to the proposal it is proposed to delegate to the Head of Planning and,
Transportation to refuse Planning permission on the basis of the highway objectionraised.

In event that the Essex County Council Head of Highways and Transportation raises no objection to the proposal it is proposed that this Committee **RESOLVES** to **APPROVE** the application subject to the Applicants and owners varying the existing legal AGREEMENT under section 106 of the Act to the previous application reference No. 05 / 00165 / FUL that the applicant provide a contribution of £3,000 towards the improvement of the Local Bridleway Network and the applicant implement the current application as an alternative to the existing permission granted under application reference 05 / 00165 / FUL and dated 23rd May 2006

And to the following heads of conditions;

- 1 SC4B Time Limits Full Standard
- 2 SC14 Materials to be Used (Externally)
- 3 SC35 Floodlights Orientation-dwellings and the highway-amenity and highway safety
- 4 SC59 Landscape Design Details (Full)-the character and appearance of this part of the Green Belt
- 5 The buildings hereby approved shall not be occupied beneficially before visibility splays 2.4m x 90m have been provided at both sides of the approved vehicular access. Once provided, the said visibility splays shall thereafter be retained and maintained in their approved form, free of obstruction above the finished surface of the approved vehicular access.
- 6. The First 14m The accessway shall be paved in permanent material between the highway boundary and the proposed position of the gates.
 - 7 Prior to the beneficial occupation of the buildings hereby approved the existing field access at the junction of Murrells Lane and Church Road shall be suitably and permanently closed.
 - 8 The development hereby permitted shall be used only for purposes as a full Livery Yard
 - 9 SC27 PD Restricted Horse Riding.

N only Informative re warte as per Env. Agency (MDS)

Relevant Development Plan Policies and Proposals

Essex and Southend – On – Sea Replacement Structure Plan (2001) C2, LRT 3.

Rochford District Replacement Local Plan (Adopted 16th June 2006) R1, LT14, BC 1.

REASON FOR DECISION

The proposal is considered not to cause significant demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area, to the street scene or residential amenity such as to justify refusing the application; nor to surrounding occupiers in neighbouring streets.

[HOS Signature here]

Shaun Scrutton Head of Planning Services

For further information please contact Mike Stranks on (01702) 546366.



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Land at Church Road, Hockley.

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