

APPLICATION REFERRED FROM THE WEEKLY LIST**WEEKLY LIST NO. 1387 – 23 JUNE 2017****17/00213/FUL****OLD PUMPING STATION, FAMBRIDGE ROAD, SOUTH
FAMBRIDGE****CHANGE USE OF LAND AND ERECTION OF EQUESTRIAN
FACILITY INCLUDING STABLES, HORSE WALKER AND
HAY STORE AND RE-USE OF PUMPING STATION
BUILDING. CONSTRUCT ENTRANCE GATES. PROVIDE
ACCESS ROAD AND TURNING AREA****1 DETAILS OF REFERRAL**

- 1.1 This item was referred from Weekly List No. 1387 requiring notification to the Assistant Director, Planning & Regeneration Services by 1.00 pm on Wednesday, 28 June 2017 with any applications being referred to this meeting of the Committee. Cllr Mrs J R Gooding referred this item on the grounds that there is normally a strong presumption to grant planning permission for equestrian facilities within the Green Belt and that there are precedents of planning permission for similar facilities being granted elsewhere within the District.
- 1.2 The item that was referred is attached at appendix 1 as it appeared in the Weekly List.
- 1.3 A plan showing the application site is attached at appendix 2.

2 RECOMMENDATION

- 2.1 It is proposed that the Committee **RESOLVES**

To determine the application, having considered all the evidence.

If you would like this report in large print, Braille or another language please contact 01702 318111.

Appendix 1

Application No :	17/00213/FUL	Zoning : Metropolitan Green Belt
Case Officer	Mr Peter Fletcher	
Parish :	Ashingdon Parish Council	
Ward :	Hockley And Ashingdon	
Location :	Old Pumping Station Fambridge Road South Fambridge	
Proposal :	Change use of land and erection of equestrian facility including stables, horse walker and hay store and re-use of pumping station building. Construct entrance gates. Provide access road and turning area.	

SITE AND PROPOSAL

1. The site lies in the open countryside in the coastal strip between Ashingdon and the River Crouch. It is currently occupied by a small brick building previously a pumping station. There is gated access from Fambridge Road, including an access track. The site area is approximately 0.4ha. The remainder of the site is grass. The site is triangular in shape with a limited frontage of some 6m onto Fambridge Road and widening out to some 52m at the back over a depth of around 130m.
2. The surrounding area is characterised by open agricultural fields with hedgerows. A public footpath runs along the northern boundary outside of the site. South Fambridge Hall Cottages lie about 160m to the north.

The Proposal

3. It is proposed to construct an equine rehabilitation facility which would comprise the following:
 - Improved site access with surfaced access road and turning area;
 - Seven box stables in 'L' shaped configuration with tack and feed space, incorporate the existing pump building and toilet facilities;
 - Concrete yard area to the front of the stables;
 - Open storage building;
 - Horse walking unit, and,
 - Paddock area
4. The stables would be constructed in black weather boarding above a brick plinth with a dual pitched tiled roof. The building would be 4.8m to the ridge. An open entrance way would lead to the storage building which would be constructed in grey profiled metal panels under a pitched roof with an open frontage. The building would have a height of 5.6m and a floor area of 99m². The existing building would be incorporated into the rear part of the stables

and extended to provide toilet facilities. The horse walker would be located at the western end of the site and have a capacity for six horses. It would be circular in shape and constructed in metal panelling over a concreted base. It would have a height of 4m and diameter of 13.3m. The remainder of the site would comprise a paddock area. Existing hedgerows would be retained and open areas landscaped. There would be one staff member on site, with visits from vets and deliveries of materials.

Relevant Planning History

5. Application No. EEC/ROC/146/51 - Replacement of existing pump house by a smaller building to house pump control apparatus - approved.

Application No. ROC/605/89 - Change of use and extension of the former South Farnbridge water pumping station to residential dwelling. Refused - appeal dismissed.

Application No. CU/0483/91/ROC - Change use from a former pumping station to a Class B1 Use. Refused - appeal allowed.

Application No. 14/00855/FUL - Change Use from Pumping Station to Class B1 (Business) Use, upgrade access and provide parking and turning area - approved.

Material Considerations

6. The site is located within the Green Belt and the Coastal Protection Belt as identified in the Council's adopted Allocations Plan (2014). The site also lies within Flood Zone 3a as defined on the Environment agency's flood protection maps. The proposal needs to be assessed against the guidance in the National Planning Policy Framework, particularly in relation to the Green Belt and flooding and coastal change. The building has a valid planning permission for a change of use to B1 business use which has not been implemented.
7. The proposal also needs to be assessed against LDF policies DM15 (Equestrian facilities); ENV 2 (Coastal Protection Belt); DM10 (Development of previously developed land); ENV3 (Flood Risk) and GB1 (Green Belt Protection).

Green Belt Issues

8. There is a general presumption against inappropriate development within Green Belt and such development should not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt. Great importance is attached to maintaining Green Belts with the aim to prevent urban sprawl and keep land permanently open. The construction of new buildings should be regarded as inappropriate in Green

Belt, however, there are a number of exceptions including the provision of appropriate facilities for outdoor sport, outdoor recreation..., as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The NPPF also allows the redevelopment of brownfield land which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

9. The site can be considered previously developed land (brownfield) given its use as a pumping station. However, there is only one small building on site and the proposed erection of stables and other facilities would have a significantly greater impact on openness and result in encroachment of built development into the Green Belt which would have an urbanising effect. Accordingly the development would be inappropriate development under this part of the NPPF.
10. The proposal is for a facility to temporarily stable race horses that are either out of training or to provide rest and rehabilitation. This would fall within the exception in the NPPF as 'appropriate facilities for outdoor sport', although the term 'appropriate' is not defined in the guidance. The development can be considered appropriate development under this part of the NPPF as long as it preserves the openness and does not conflict with the purposes of including land within the Green Belt.
11. The proposal would involve significant built development compared with the existing building that would lead to a concentration of development within a relatively small area. One of the main purposes of the Green Belt is to assist in safeguarding the countryside from encroachment. In view of the number of structures on the site the proposal a judgment needs to be made on whether the development would preserve openness and whether it would amount to encroachment into the Green Belt.
12. In order to assist with this assessment Policy DM15 of the LDF Development Management Plan provides detailed criteria for new equestrian facilities which sets local assessment criteria. These are summarised as follows:
 - i) That it is small scale (less than 10 stables) and does not lead to proliferation in the area);
 - ii) There should be only one stable per 0.4ha of site area;
 - iii) Buildings are sited near to existing settlements;
 - iv) Where possible redundant buildings are used; otherwise new buildings should be the minimum size necessary;
 - v) Well related to existing bridleways;
 - vi) Modest and appropriate in scale and minimises impact on Green Belt, character of the countryside and landscape areas;
 - vii) No detrimental effect on the amenities of the area from noise, smell, light or disturbance.

13. The assessment against these criteria is as follows:
- i) The proposal can be considered small scale (seven stables) and would not lead to the proliferation of equestrian facilities in the area.
 - ii) The stable to site area ratio would not be met, however, in view of the rehabilitational nature of the facility this is not considered to be so relevant as the horses would be resting rather than typically requiring grazing and exercise as would be the case for livery use;
 - iii) The site is in a remote rural location away from the nearest settlement, however, the site is brownfield land and its reuse can be considered sustainable. The nature of the use means that there would be no general public access by riders.
 - iv) The existing pumping station building is unsuitable for reuse for equestrian facilities due to its limited size. The new structures are considered to be of an appropriate size for the intended use;
 - v) In view of the proposed use, the proximity of bridleways is not considered relevant;
 - vi) The impact on the Green Belt and character of the countryside are addressed in more detail below;
 - vii) There are no residential properties in the immediate vicinity of the site.

The proposed development would meet the criteria of the policy subject to the detailed consideration of the impact on the Green Belt and countryside character.

14. The site lies in the Coastal Protection Belt where the aims are to protect the open rural character and landscape of the area and not to permit development that is at risk from flooding. This includes the implications of climate change and sea level rise. The development does not require a coastal location and is in a location that is at risk from flooding, especially from sea level rise. The response from the Environment Agency highlights the significant risk should the sea walls be over topped or are breached. However, the development is classified as being appropriate in Flood Zone 3a in the National Planning Practice Guidance. Nevertheless, the development would adversely impact on the open undeveloped character of that part the Coastal Protection Belt in which the site is situated, contrary to Policy ENV2.
15. The proposal is for a facility for the rehabilitation of racehorses and would support outdoor sport generally but not in the immediate locality. Submitted information indicates that it could be used for horses based in Newmarket. There are no local racing stables. In view of this and the concentration of development on the site it is considered that it would amount to encroachment into the Green Belt and have an adverse impact on openness. It would also adversely impact on the open rural character and visual amenities of the area which is subject to special protection policies. One of the purposes of the Green Belt is to protect the countryside from encroachment. The development is, therefore, considered to be inappropriate development in terms of the guidance in the NPPF and should only be permitted if very special circumstances have been demonstrated that clearly outweigh this harm.

16. In considering where there are very special circumstances the submitted details list matters that could amount to very special circumstances. These are as follows:
- Equine uses are suitable in the countryside and Green Belt. The buildings would have a rural appearance similar to those that exist in the locality. Proposed use more in keeping than the permitted B1 use.
 - The facility is required for functional purposes and essential for the intended use. The buildings are of an appropriate scale for that use and are driven by health and safety requirements.
 - The horse racing community makes a significant contribution to the economy and suitable facilities need to be found to support it. There would be local economic benefits;
 - The development would re-use a disused and overgrown site and the existing building. There would be less impact on the countryside and Green Belt than a derelict site.
 - The development of brownfield land is encouraged in the NPPF and redevelopment is not limited to the reuse of buildings but the curtilage as well.
17. These factors are material considerations that count in favour of the development. The issues arising from these matters are addressed within the main report. The site is in generally tidy condition and does not have a derelict appearance and is not materially harmful the visual amenities of the area. The permitted change of use would have only resulted in limited changes through access improvements and parking, with no additional buildings. The economic benefits to the local economy are not quantified and the main purpose of the facility is to serve stables located some distance away in Newmarket. Equine uses are generally appropriate in the Green Belt, subject to impact tests. The scale of the development is what causes harm and it is not disputed that the number of buildings is required for functional purposes. These matters carry some weight in favour of the development, however, as a matter of judgement it is not considered that this would clearly outweigh the harm to the Green Belt and to the landscape generally.

Flood Risk

18. The site lies within tidal Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for the change use of the land and erection of an equestrian facility, including buildings. This is classified as a 'less vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance (PPG). Therefore the proposal is appropriate for the Flood Zone in line with Table 3 of the PPG.
19. The Environment Agency has provided detailed guidance on the flood risk associated with the development. There is the potential for significant flooding should there be a breach of the sea wall which is not addressed in the flood

risk assessment. The Agency recommends that flood resilience/resistance measures are incorporated into the design of the buildings and that there should also be an emergency flood plan. It also suggests that there should be a further assessment of the impact on the site should there be a breach in the sea wall. However, as the proposal is for a less vulnerable use no objections are raised as the development is considered acceptable even without the Shoreline Management Plan being in place. The development is, therefore considered acceptable in accordance with the guidance in the NPPF and the National Planning Practice Guidance on Flood Risk.

Highway and Parking Matters

20. The proposal is for two parking spaces and access for deliveries, including turning head. No objections have been raised by the highway authority and the development is considered acceptable in highway terms.

Representations:

21. ENVIRONMENT AGENCY: Has no objection to this planning application because the site is currently defended and the Shoreline Management Plan policy for this area has an aspiration for hold the line. If the SMP policy is not taken forward the development would be unsafe in the future. The proposed use is classified as a 'less vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance (PPG). Therefore the proposal is appropriate for the Flood Zone in line with Table 3 of the PPG. The response highlights other flood risk considerations which should be taken into account, including the need to consider flood incorporating flood resilience/resistance measures into the design of the buildings and the provision of an emergency flood plan. The proposal is for a less vulnerable use so we do not object to flooding within the facility in the design 0.5% (1 in 200) annual probability event with an allowance for climate change. The proposals are therefore acceptable even without the SMP Policy in place. Full details of the response can be found on the Council website.
22. ESSEX COUNTY COUNCIL (HIGHWAYS): From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. The vehicular access as shown on 1028:02 shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 3.6m and shall be provided with an appropriate vehicular crossing.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

2. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 9 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 and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety in accordance with policy DM1.

3. The provision of two on-site vehicle parking spaces and associated turning area as shown planning drawing 1028:02. The vehicle parking area and associated turning area shall be retained in the agreed form at all times.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 and to ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

4. The public's rights and ease of passage over footpath no. 11 in Ashingdon 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 in accordance with Policies DM1 and DM11.

5. No unbound material shall be used in the surface treatment of the vehicular access for the first 6 metres.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

6. There shall be no discharge of surface water from the development onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

7. 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.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

Informatives:

- The applicant should be made aware of the potential relocation of the utility apparatus in the highway; any relocation shall be fully at the applicant's expense.
- The applicant should be advised that appropriate measures should be provided to ensure mud/debris is not deposited onto the highway during the construction works.
- All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team at SMO2, Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford CM2 5PU or emailed to development.management@essexhighways.org

23. ESSEX COUNTY COUNCIL PLACE SERVICES (ARCHAEOLOGY): The proposed development is sited on the former marsh edge, adjacent to the creek system to the west. Historic Environment Characterisation has identified that this spur of land within the former marshes, with the historic origins of the settlement of South Fambridge, make it a prime site for prehistoric to medieval occupation. It is possible that features may survive which would be damaged or destroyed by the development. In view of this the following recommendation is made in line with the National Planning Policy Framework.

Recommendation: Full 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 and approved by the local planning authority'.

Conclusions

24. The proposed development involves the redevelopment of a brownfield site for commercial equine purposes. The application has been assessed against the policies of the Rochford District Council Local Development Framework, the National Planning Policy Framework and the National Planning Practice Guidance. While the development would be associated with outdoor sport it would not preserve the openness of the Green Belt and would involve encroachment and urbanisation of the countryside.

It would also have an adverse impact on the character and appearance of the Coastal Protection Belt.

25. The development is considered to be inappropriate development and no very special circumstances have been demonstrated that would clearly outweigh the harm to the Green Belt and the other harm identified. The development would otherwise be acceptable in terms of design and layout, flood risk and highway impacts.

REFUSE

- 1 The application site lies within the Metropolitan Green Belt and the Coastal Protection Zone as defined in the Local Development Framework Allocations Plan (2014). In accordance with the National Planning Policy Framework inappropriate development within the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The provision of appropriate facilities for outdoor sport are appropriate in the Green Belt, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Development within the Coastal Protection Belt (CPB) should not adversely affect the open and rural character of the CPB. Proposals for new equine facilities are subject to a range of criteria including minimising the impact on the character, appearance and openness of the Green Belt.

The proposed development in this case would significantly increase the amount of development on the site and is judged to be materially harmful to the open and rural character of the area. It would amount to encroachment into the Green Belt and adversely affect its visual amenities. The proposal is considered to be inappropriate development in the Green Belt and the details submitted in support of the application are not considered to amount to the very special circumstances necessary to overcome the harm that would be caused to the Green Belt. Accordingly the development would be contrary to Policies ENV2 and GB1 of the Core Strategy and Policy DM15 of the Development Management Plan of the Rochford Local Development Framework and the National Planning Policy Framework.

Relevant Development Plan Policies and Proposals:

National Planning Policy Framework

National Planning Practice Guidance

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) policies CP1, ENV2, GB1, ENV3

Rochford District Council Local Development Framework Allocation Plan (February 2014).

Rochford District Council Local Development Framework Development Management Submission Document (April 2013) policies DM1; DM10; DM15 DM30

Parking Standards: Design and Good Practice Supplementary Planning Document adopted

The local Ward Member(s) for the above application are Cllr M R Carter
Cllr T G Cutmore Cllr Mrs C A Weston

