

Item No. 9

APPLICATION NUMBER	CB/13/02189/FULL
LOCATION	Land Adj to Langley Cottage, High Street, Eggington, Leighton Buzzard, LU7 9PD
PROPOSAL	Erection of horse stables and associated use of existing car parking area
PARISH	Eggington
WARD	Heath & Reach
WARD COUNCILLORS	Cllr Versallion
CASE OFFICER	Adam Davies
DATE REGISTERED	21 June 2013
EXPIRY DATE	16 August 2013
APPLICANT	Mr & Mrs Peck
AGENT	AZ Urban Studio
REASON FOR COMMITTEE TO DETERMINE	Cllr Versallion has requested that this application be referred to DMC regardless of Officers recommendation. Concerns are raised in relation to the scale of the building, parking and the storage of manure on site.
RECOMMENDED DECISION	Full Application - Refusal

Site Location:

The application site is located with the village of Eggington which is washed over by the South Bedfordshire Green Belt. The land also falls within Eggington Conservation Area.

The site comprises a rectangular parcel of land on the southern side of the High Street. The land is laid out as a car park to the adjacent woodland complex which is publically accessible as a 'woodland walk' under a permissible footpath agreement. The site is served by a single gated access from the High Street and is largely laid to earth with loose areas of stone aggregate. Areas of scrub growth have recently been cleared from the site, however the mature hedgerow and trees along the site frontage and the loose group of trees aligned along the rear boundary of the site have been retained.

The site is flanked by agricultural/paddock land immediately to the north east and the residential curtilage of Langley Cottage to the south west. A small watercourse runs along the southern boundary of the site within the adjacent woodland area. The application site, the woodland area to the south east and the neighbouring paddock beyond the adjoining residential property to the south west are all within the private ownership of the applicant. Langley Cottage is unrelated to the application site and is within separate ownership.

The Application:

Planning permission is sought for the erection of a stable building providing seven

stables arranged in a single row along the site frontage with the High Street. The building would measure 21 metres by 4.4 metres and a maximum of 3.2 metres in height. It would be of a timber construction with dark corrugated roofing and set on a concrete slab projecting beyond the footprint of the building to create a small yard area and drainage on the south east side of the stables. The yard area would be enclosed by post and rail fencing. Part of the existing parking area at the south western end of the site would be retained.

The submitted Design and Access/Planning Statement states that the building would be used to provide stable accommodation for the applicant's own family and others in the local area. It is stated that the site benefits from private access to the adjacent grazing field and direct access to an 80 acre network of private woodland with paths and cleared areas where horses may also be ridden. Officers' have requested further information regarding the nature of the proposed use and the planning agent has provided the following written comment: "The application is for a private stables, as opposed to a commercial livery stables or riding school or breeding centre. The stabling will be private as it will be used by the applicant's family or other private individuals wishing to stable horses, who can rent one or more stable units from the applicant. It is not a commercial operation."

RELEVANT POLICIES:

National Planning Policy Framework (NPPF)

Section 7: Requiring good design

Section 9: Protecting Green Belt land

Section 10: Meeting the challenge of climate change, flooding and coastal change

Section 11: Conserving and enhancing the natural environment

Section 12: Conserving and enhancing the historic environment

South Bedfordshire Local Plan Review Policies

Policy NE11 Controlling Horse-Related Development

Policy BE8 Design Considerations

Policy T10 Controlling Parking in New Developments

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review, due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that Policy BE8 is consistent with the Framework and carries significant weight. Policies NE11 and T10 carry less weight but are considered relevant to this application.

Development Strategy for Central Bedfordshire

Policy 3: Green Belt

Policy 23: Public Rights of Way

Policy 24: Accessibility and Connectivity

Policy 27: Car parking

Policy 36: Development in the Green Belt

Policy 43: High Quality Development

Policy 44: Protection from Environmental Pollution

Policy 45: The Historic Environment

Policy 49: Mitigating Flood Risk

Policy 50: Development in the Countryside

Policy 55: Equestrian Development and Development related to the keeping and breeding of livestock

Policy 57: Biodiversity and Giodiversity

Policy 59: Woodlands, Trees and Hedgerow

Having regard to the National Planning Policy Framework, significant weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in 2013.

Supplementary Planning Guidance

Eggington Conservation Area Appraisal, March 2010

Design in Central Bedfordshire, A Guide for Development, Adopted 23 July 2010

Pre-Submission Core Strategy for Southern Central Bedfordshire adopted for Development Management purposes by Executive, August 2011.

CBC Emerging Parking Strategy, Appendix F, Central Bedfordshire Local Transport Plan, endorsed for Development Management purposes by Executive October 2012.

Planning History

There is no relevant planning history for the application site.

Representations:

Eggington Parish
Council

- The application should be refused.
- Several residents of Eggington have raised concerns regarding the proposal but do not wish to object themselves.
- There is a lack of adequate parking and turning space for vehicles including those towing horse-boxes. The proposal would give rise to parking along the High Street and associated highway problems.
- The application does not detail any storage space for animal feed or the arrangements for animal excrement which could otherwise result in the pollution of the adjacent watercourse.
- The building would be very close to the hedgerow along the site frontage and would not allow for maintenance of the hedge.
- It is stated that the applicant does not currently own any horses and it is considered that the proposal is intended to facilitate a commercial venture.
- There are no local facilities for horse riding and the High Street is unsuitable due to traffic volume.
- It is questioned why the building is not proposed to be located within the woodland area to the south east where trees could be removed to accommodate the stables.

- The proposal would not enhance the character of the Conservation Area.
- Concerns are raised regarding security and the risk that tack, feed and animals might encourage thefts in the area. The application does not detail any security lighting, although this would be harmful to residential amenity.

Neighbours

One objection has been received, summarised as follows:

- It is indicated that the proposal is not for commercial stables. This should be controlled by condition.
- No hours of use are provided. This should be controlled by condition to prevent noise disturbance from horse box movements during the night.
- There is insufficient parking and the proposal would lead to parking on the High Street.
- It is assumed there would be no permanent parking of horse boxes on the site.
- The application makes reference to drainage arrangements to prevent surface water entering the adjacent watercourse but does not provide waste management details.

One letter of comment has been received, summarised as follows:

- The ditch at the rear of the site should be kept clear at all times to ensure the garden at Langley Cottage is not subject to flooding.
- It is hoped that there would be only minimal disruption to the local power supply during the construction phase.
- Vehicular access to Langley Cottage should not be blocked at any time.
- As with the existing car park use, it is anticipated that the proposal would not affect the privacy of Langley Cottage.

Consultations/Publicity responses

Conservation and Design

The submitted application does not fully follow the pre-application guidance given in respect of the selection of constructional materials in the context of local character.

The key presumption of the NPPF that new development in the historic environment should make a positive contribution to local character is all the more relevant in this particular case, given the roadside location of the proposed development within the designated village Conservation Area.

I note that the finalised design includes stained weatherboarding, as advised, but note that a clear steer towards the appropriateness of a slate roof, in this context, has not been taken up and the corrugated sheeting put forward has been supported by an argument that previous (no doubt purely expedient) use of this material in the traditional farmsteads of the village has brought this material into the vernacular constructional 'palette' of the village Conservation Area.

This may be argued, but is clearly not the same, in outcome, as the NPPF aim that new development make a *positive contribution to local character and distinctiveness*.

The proposed roof cladding has also been argued on the basis that the use of slate is impractical in respect of the stabling facility to be offered, and would require a strengthened roof structure disproportionate to the simple structure proposed, with attendant cost implications.

In the context of the prominent, Conservation Area location of the proposed structure, the visual impact of the roof covering assumes particular importance.

Given the precise steer previously offered, and subsequent discussion, there seems to have been no consideration by Applicant or Agent, of available lightweight slate-effect roof cladding solutions available (a quick internet search suggests various solutions in this respect). This is disappointing.

In the context of visual impact, I am also uncomfortable about the emphasis placed upon the 'mediating factor' of hedge screening in the submission, and am conscious that the effectiveness of screening may be seasonal and reliant on a maintenance which is difficult, in any event, to secure through the Planning process.

The Applicant's Agent has left me in no doubt that my view regarding acceptable roof coverings for the proposed new building in this sensitive Conservation Area location is not shared by either himself or the Applicant, and further discussion on the matter has not proved positive.

Given the sensitivity of the location, and the key design-focused presumption of the NPPF regarding new development in the historic environment, I find the proposed structure does not adequately positively contribute to local character and distinctiveness, and **recommend refusal** as a result.

Trees and Landscaping	None received at time of drafting report.
Ecology	None received at time of drafting report.
Highways	The access should be hard surfaced for the first 5m from the edge of the highway boundary. The fence should be set back 5.0m from the edge of the nearside carriageway. There should be provision for a turning area of a horse box type vehicle (this will have to encroach into the blue land). Recommends conditions to deal with turning space and hard surfacing.
Bedford Group of Internal Drainage Boards	The Board has no objection to the development providing all storm water runoff is dealt with by means of soakaways and there is no storm water discharge to adjacent watercourse. In addition proper percolation tests must be conducted to ensure that soakaways can operate effectively on the development site.
Environment Agency	Arrangements for dealing with surface water are a matter for the Internal Drainage Board in this location. However, pollution prevention is within the Environment Agency's remit. The Environment Agency have reviewed the application and consider that planning permission could be granted to the proposed development as submitted if a scheme to appropriately store manure is secured by condition to prevent pollution of the water environment.
Public Protection	No objection. Recommends condition to prevent commercial uses.
Public Protection Land Contamination Officer	No comment.
Archaeology	<p>The proposed development site is located within the core of the medieval settlement of Eggington (HER 16879) and its extensive village green (HER 10841). Under the terms of the <i>National Planning Policy Framework</i> (NPPF) these are heritage assets with archaeological interest.</p> <p>At the time of the Domesday Survey of 1086 AD Eggington formed part of the Royal Manor of Leighton and did not have a separate entry. However, the origins of the settlement are likely to be in the Late Saxon period when a small settlement probably existed at the western end of the present village. During the medieval period the village grew eastwards from its original core and developed as a planned settlement around the green (HER 10841) created on the north side of the Thiodweg (HER 10843), a long distance trade routeway.</p>

The development of Eggington, so close to the parish boundary and the Thiodweg was a deliberate act likely to have been influenced by the economic benefits of having a settlement on an important trade route. Long established by the medieval period, the Thiodweg was used to transport salt and other valuable commodities.

The extent of the village green and its relationship with the medieval settlement are not clear, despite a number of surviving historic documents. However, in general terms during the medieval period development on village greens was strictly controlled, with only buildings or features relevant to the whole community being allowed. Cartographic sources also suggest the proposed development site may have been the site for the village stocks and well (HER 10783).

The proposed development site lies within an area that contains heritage assets with archaeological interest. However, as the *Design & Access Statement (incorporating Heritage Statement/Planning Statement)* submitted with this application indicates that the ground disturbance will not exceed 100mm (page 6) it is unlikely that there will be an impact on any surviving archaeological deposits present at the site. Consequently, I have no objection to this application on archaeological grounds.

Determining Issues

The main considerations of the application are;

1. Principle of development and impact upon Green Belt
2. Impact upon Conservation Area
3. Highways considerations
4. Drainage and pollution prevention
5. Neighbour amenity

Considerations

1. Principle of development and impact upon Green Belt

The application relates to an existing car park associated with the adjacent woodland complex. The site has very recently been cleared of areas of scrub growth across the parking area which indicates that the car park has not recently been subject to high levels of use. The land is publically accessible as a 'woodland walk' under a permissible footpath agreement. This is due to expire in 2015, although the applicant intends to continue to allow public access to the woodland area. As the car park and woodland area are within the private ownership of the applicant and the car park is not specifically protected under planning policy, no objection is raised in relation to the loss of the parking area in principle.

Within the Green Belt the provision of appropriate facilities for outdoor recreation, including proposals for horse-related development can be considered appropriate in principle where proposals are in accordance with SBLPR Policy NE11 and Policy 55 of the emerging Development Strategy for Central Bedfordshire.

Part A of Policy NE11 sets out that proposals of a commercial nature will not be permitted except where they can be accommodated within existing buildings and would not reduce the openness of the Green Belt, or unacceptably harm the character of the countryside. On the basis of the information provided, the proposal must be considered commercial as the stables would be available for rent. However, under the NPPF and the emerging Development Strategy for Central Bedfordshire there is no such presumption against a commercial equestrian development of this scale. Part A of Policy NE11 is not therefore considered to be consistent with the NPPF and as such the weight to be attached to Part A of Policy NE11 is diminished. It would be possible to prevent the use of the site as a commercial riding school or breeding centre by planning condition and, given the scale of the building and the number of stables proposed, it is considered that the renting out of the stables would not have a materially greater impact on the Green Belt than the use of the stables by the applicant's own family. As such an objection in relation to Part A of Policy NE11 could not be sustained in this instance.

In terms of the tests of Criterion B of Policy NE11 and emerging DS Policy 55, the proposal does not involve a new residential unit and it is stated that there is no ambition to achieve any associated dwelling. The applicant's adjoining land has an area greater than 3.5 hectares and therefore the proposed building would not provide more than one stable unit per 0.5 hectares of grazing land and would meet the general requirement regarding size as set out within Policy NE11. There are no other stable buildings on the applicant's grazing field to the west and the supporting information for the application states that there are no existing buildings available to the applicant which would be suitable for the proposed stabling. The proposal would not involve the subdivision of fields into smaller paddocks with separate stabling in each new area. The proposed building would not obstruct views across the site access into the open countryside to the south and would not appear intrusive within the wider landscape. The proposal is well related to a network of pathways and paddock land within the applicant's ownership where horses can be ridden. Detailed aspects relating to the impact upon Conservation Area character, the suitability of the retained parking and manoeuvring area and highway access and the impact on neighbour amenity will be addressed separately below.

In principle therefore, the proposal is not considered to be in conflict with Criterion B of Policy NE11 or Policy 55 of the emerging Development Strategy for Central Bedfordshire and is considered to represent an appropriate development in the Green Belt.

2. Impact upon Conservation Area

The proposed stables would occupy a prominent position within the core of the village, adjacent to the road at the front of the site. The character of this part of Eggington Conservation Area is partly defined by the loose 'ribbon' of built form along the High Street where development is generally grouped together along

the road. The building would be relatively wide but it would replicate the general proportions and form of existing agricultural buildings fronting the High Street at the eastern end of the village. Within the context of the neighbouring built form fronting the High Street, it is not considered that a new stable building in this location would be at odds with the general pattern of development within the village.

However it is important that the detailed design, finish and materials of the building are appropriate in this prominent location. In particular, the roof covering would be most visible in public views of the site from the High Street. The corrugated roof covering proposed does not follow pre-application advice given in respect of the selection of constructional materials and it is not considered that this would contribute positively to local character. Whilst there are examples of other buildings with corrugated roof coverings within the village, these are not considered a positive element of Conservation Area character which it would be appropriate to replicate in this case.

It is argued that the use of slate is impractical for the type of lightweight building proposed and that this would increase build cost. However the application does not demonstrate any consideration of available lightweight slate-effect roof cladding solutions available. The proposed stables would be set behind the mature hedgerow along the site frontage. The comments of the Tree and Landscape Officer have not yet been received. Whilst no concerns were raised at the pre-application stage regarding the implications for the adjacent hedge, it would not be possible to ensure that the hedge was maintained in perpetuity at its current height under a planning permission. As such this would not be sufficient to prevent an adverse visual impact upon the character of the Conservation Area. The application does not clarify why the stables are proposed to be located within the car park associated with the adjacent woodland complex rather than within the existing paddock land to the west which falls outside of the Conservation Area.

Given the corrugated roof covering proposed and their position, the proposed stables would appear as a prominent and obtrusive addition to the Conservation Area which would be to the detriment of the character of the locality. The proposal would not therefore enhance the character and distinctiveness of the area as required by SBLPR Policy BE8, emerging DS Policies 43 and 45 and the NPPF. Objections are therefore raised in this regard.

3. Highways considerations

Under the Council's emerging Parking Strategy, there are no maximum parking standards for this type of development. Highways have raised no objections to the proposal provided that the access is hard surfaced for the first 5 metres from the edge of the highway boundary and there is provision for a turning area for a horse box-type vehicle. This manoeuvring area would have to extend into the land outlined in blue to the south in order to achieve suitable space for larger vehicles to turn within the site and egress onto the highway in forward gear. As additional land is available within the control of the applicant, a suitable turning area could be secured by condition.

4. Drainage and pollution prevention

It is inevitable that the proposed stables would generate large quantities of horse

manure which would need to be stored on site. Storing large quantities of manure can have serious effects on the environment and if it is not stored correctly, the liquid run-off can have a serious impact on local water quality. This represents a significant consideration for this proposal due to the limited size of the site, the close proximity of the adjacent watercourse and the relationship to neighbouring residential properties.

Horse manure produced by commercial establishments is subject to separate control under the Environmental Permitting Regulations 2010. Therefore, separate to any planning permission, the applicant would have a duty of care to ensure that manure is stored, treated and disposed of in accordance with environmental health regulations. Manure heaps should not be located within 10 metres of a watercourse or within 50 metres of a well, spring or borehole. In this case, the site does not provide a suitable area to store manure without potential polluting effects on the watercourse. Therefore, the Environment Agency advises that a concrete base should be constructed so that pollutants are contained and do not drain away. It is recommended that this be secured by condition. Public Protection Officers have raised no objection to the proposal.

The adjacent watercourse falls within the jurisdiction of the Bedford Group of Internal Drainage Boards who raise no objection to the development providing all storm water runoff is dealt with by means of soakaways and there is no storm water discharge to the adjacent watercourse. This can be secured by condition.

Subject to the appropriate conditions, the proposal is considered acceptable in relation to drainage and environmental pollution, having regard to emerging DS Policies 44 and 49 and national guidance contained within the NPPF.

5. Neighbour amenity

Subject to the above conditions and separate environmental health controls, it is not considered that the development would have adverse implications for neighbour amenity.

Recommendation

That Planning Permission be REFUSED on the following grounds:

RECOMMENDED REASONS

- 1 The proposed stables would occupy a prominent position within the core of the Eggington Conservation Area, adjacent to the road at the front of the site. Given the corrugated roof covering proposed and their location, the proposed stables would appear as a prominent and obtrusive addition to the Conservation Area which would be to the detriment of the character of the locality. The proposal would not therefore enhance the character and distinctiveness of the area and is thus contrary to Policy BE8 of the South Bedfordshire Local Plan Review 2004, Policies 43 and 45 of the emerging Development Strategy for Central Bedfordshire, the principles set out within the Eggington Conservation Area Appraisal, March 2010 and Design in Central Bedfordshire, A Guide for Development and national guidance contained within the National Planning Policy Framework.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

It is recommended that planning permission be refused for this proposal for the clear reason set out in this report. The Council acted pro-actively through early engagement with the applicant at the pre-application stage and during the determination process. This positive advice has however not been adequately followed and therefore the Council remains of the view that the proposal is unacceptable. The requirements of the Framework (paragraphs 186 and 187) have therefore been met in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

DECISION

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