

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

7 September 2011

**AUTHOR/S:** Executive Director (Operational Services) / Corporate Manager (Planning and New Communities)

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### **S/1526/11 - SWAVESEY**

**Erection of stables, tack room, a hay barn and associated hard standing and access track at land between Lairstall Drove and Cow Fen for Mr T Smith**

**Recommendation: Approve**

**Date for Determination: 26 September 2011**

#### **Notes:**

**This Application has been reported to the Planning Committee due to the Parish Council recommendation of refusal.**

**The site is within the Conservation Area and is within the setting of two Grade I buildings and one Grade II building.**

#### **Site and Proposal**

1. The application site measures approximately 13 hectares (32 acres). The site is located outside of the village framework and a small section of the site is within the conservation area. To the northwest of the site are two Grade I Listed Buildings (Church of St Andrew and The Old Manor House) and one Grade II Building (garden wall to the Old Manor House). The northern edge of the site is defined by the Guided Bus Way. The eastern and southern boundary is defined by Cow Fen Drove (Bridleway) and Lairstall Drove (Public Footpath).
2. The land is currently an open field (agricultural use) with a mature hedge and tree line defining the eastern and southern edges of the site. There is currently an access to the site in the southeast corner and the proposed development will make this existing access more formal.
3. The application, validated on the 1 August 2011, is for the erection of stables, a tack room, a hay barn, access track and associated handstanding on the east side of the site. The proposed stables and tack room has been stated to be for personal recreation and not a business use. There is land to the north of the site and on the opposite side of the Guided Bus Way, which is to be used for grazing.
4. The proposed barn measures approximately 24 metres x 10 metres, with a maximum height of 4.5 metres. The stable (with tack room) is an L-Shape building with approximate dimensions of 15.9 metres x 3.7 metres and 10.4 metres x 3.7 metres, with a maximum height of 4 metres. There is space on site for a vehicle to enter and leave in a forward gear.

## **Planning History**

5. S/0909/11 – Erection of stables, tack room, a hay barn and associated hard standing and access track was withdrawn.

## **Planning Policy**

6. **National Guidance**

### **Planning Policy Statement 5: Planning for the Historic Environment**

Policy HE7 and HE9 (including 7.2 and 9.1)

PPS 5 Historic Environment Planning Policy Practice Guide (including 86, 111, 142, 178 and 182)

7. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007:**

**DP/2** - Design of New Development

**DP/3** - Development Criteria

**DP/7** – Development Frameworks

**CH/4** – Development Within the Curtilage or Setting of a Listed Building

**CH/5** – Conservation Area

**NE/6** - Biodiversity

**TR/1** – Planning for More Sustainable Travel

**TR/2** – Car and Cycle Parking Standards

8. **South Cambridgeshire Local Development Framework, Supplementary Planning Documents**

**Listed Building SPD – Adopted July 2009**

**Development Affecting Conservation Areas SPD – Adopted January 2009**

## **Consultations**

9. **Swavesey Parish Council** – The Parish Council recommends refusal on the following grounds:
10. The development will bring increased traffic movements along Market Street and Cow Fen Drove, which currently experience numerous problems with levels of traffic, parking, speeding and access. Cow Fen Drove is a farm drive, maintained to agricultural standards only through minimal voluntary maintenance by local landowners. It suffers from the current level of traffic to and from existing stables and paddocks in Cow Fen, by increased traffic movements will increase the problems and future maintenance. Market Street is the only access to Cow Fen Drove and is a narrow street, which already suffers from parking and access problems. Increased traffic movements will increase safety and access issues along here.
11. Lairstall Drove and Cow Fen Drove are both public bridleways, which are well used by local residents and horse riders. Adding a vehicular access at the corner of the two drives is considered a potential danger. Whilst the Parish Council considers an access for foot and horse use in the Drove is sensible, it does not agree with adding a vehicle access here as well. There is another access to the field at Station Road, which would be safely made into a vehicle access, which would then not increase the problems already mentioned relating to Market Street, Cow Fen and Lairstall Drives.

12. The Parish Council also points out that there is an anomaly in para 3.2 page 6 of the Flood Risk Assessment, where it is states that protection from the Swavesey Drain is at 1 in 150. This does not take into account the effect of the Great Ouse River in the system, the standard protection given by the Swavesey Drain bank is only a design of 1 in 10.
13. The Atkins study of Swavesey, which was jointly commissioned by South Cambridgeshire District Council and the Environment Agency shows the site to flood at less than 1 in 50. Whilst this does not impact on an application for stables it may impact on any future application for a house to service them. If a condition cannot be applied, perhaps at least the applicants should be made aware of this. The Parish Council is raising this in order to be consistent with its response to a previous planning application for this immediate vicinity at the Arabian Stud, Cow Fen. This fact was used by the Planning Inspector on an appeal, with regard to this other site, to give reason for refusal.
14. **Local Highways Authority** – (Parish Council comments were shown to the Local Highways Authority) It states that the proposal is acceptable, subject to a condition controlling where gates can be placed.
15. (25<sup>th</sup> August 2011) The Local Highways Authority updated its comments in order for its previous condition to be more clear. It also requested that additional conditions are added to control parking layout and prevent the stables (including tack room) from being used for commercial use.
16. **Conservation** – No objections to the proposal.
17. **Environment Agency** – It states that the previous comments of S/0909/11 should be referred to. These comments were that the development is acceptable but conditions and informatives should be added to prevent water contamination.

### **Representations**

18. None currently received

### **Planning Comments – Key Issues**

19. The key issues to consider in the determination of this application are:
  - Principle of Development
  - Impact on Listed Buildings
  - Visual Impact
  - Highway Safety
  - Flood Risk
20. Principle of Development – The proposed development (stables and tack room) is for private outdoor recreation and this is confirmed in the Design and Access Statement. It is noted that the land will be used for both horse and cattle grazing. The cattle grazing could occur without planning permission and is a fully appropriate use in the countryside. The hay barn might be used in connection with both the cattle and horses. The stables (with internal tack room) and hay barn by being for outdoor recreation comply with policy DP/7 and therefore the development is acceptable in principle.
21. Impact on Listed Buildings – The access on the site provides a key line of sight to the two Grade I Listed Buildings. The applicant had taken on board the advice provided

by the Conservation Manager in S/0909/11 in regards to the location of the proposed buildings in order to preserve this key line of sight. The proposed development preserves the setting and character of the Listed Buildings.

22. Visual Impact – The design of the proposed buildings are in keeping with the rural character of the area, as they have an agricultural appearance. However, the proposed buildings (in particular the barn) are of significant size in the local area. The buildings would be well screened from people using the bridleway and footpath to the east and south but the site is relatively open in particular to the west. In order to maintain the current rural appearance a landscaping condition will be added in order to preserve the existing planting in particular on the eastern boundary of the site and to plant additional trees to the west in order to break up the visual impact of the proposed buildings. The proposal, therefore, if appropriately conditioned would preserve the visual appearance of the local area.
23. Highway Safety – The developer has stated that there will be one car trip on and off the site during summer and two in wintertime. There may be some vet trips but these will be few but unpredictable. The developer also states that the size of the hay barn ensures that there is likely less than one large vehicle visiting the site per month. There will also be cycle storage in the tack room. There will also be cattle on the land that could be removed from the site during wintertime. It is considered that the proposed traffic movements are not significantly different to that which would occur if the land were being used as agricultural land.
24. The conditions requested by the Local Highways Authority relating to no gates within 15 metres of the Bridleway and that the stables (including tack room) should not be for business use are accepted. These conditions reflect what the applicant has applied for and maintain highway safety. In addition it will be conditioned that the turning area is maintained free of obstruction in order to ensure that vehicles enter and leave in a forward gear.
25. The Local Highways Authority requested condition regarding parking layout is not considered reasonable. The developer has shown that there will be a parking area measuring approximately 8 metres x 20 metres (see drawing number CPL/2358/006 Rev 1). This is considered plenty of space for any associated vehicles for the agricultural business and private use of the stables.
26. The Rights of Way and Access Team at the County Council have yet to formally respond to this planning application. It is noted that the Rights of Way and Access Team did comment on the previous application and made no objection. It did request some informatives and these would be added to any consent granted. Members will be updated of any additional comments during Planning Committee.
27. Flood Risk – The developer has submitted a detailed flood risk assessment, which includes a balancing pond (described by the developer as a Sustainable Urban Drainage System). The balancing pond was not included in the previous application. The Environment Agency's comments can be added to any consent in order to cover the concerns of water contamination. It is noted that the Swavesey Internal Drainage Board recommended refusal on the previous application and its comments will be provided to members at Planning Committee.
28. The Parish Council's concerns raised in regards to flood risk to a possible future dwelling is not material in the consideration of this application. If in the future a dwelling was proposed it would be considered upon the merits of the case at the time of submission.

## **Conclusion**

29. The proposed development is considered to preserve the visual character of the local area, as well as the special character of the Listed Buildings. In addition it is considered that the proposal will have no detrimental impact upon highway safety or use of the public rights of way and will not increase the likelihood of flooding, though this later point will be confirmed during Planning Committee.

## **Recommendation**

Approve, subject to the following conditions.

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. The development hereby permitted shall be carried out in accordance with the following approved plans: CPL/2358/002, J191/001, CPL/2358/004 Rev 5, CPL/2358/003 Rev 5, CPL/2358/005 Rev 5 and CPL/2358/006 Rev 1.  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. The proposed turning area (drawing number CPL/2358/006 Rev 1) shall be provided before the first use of the hereby permitted development and thereafter retained as such.  
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
4. No gate or gates to the vehicular access shall be located within 15m from the near edge of public right of way (Bridle Way number 18) and any gate/gates shall be hung to open inwards, unless a planning application is submitted to and approved by the Local Planning Authority  
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
5. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.  
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
6. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that

originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

7. The proposed stables and tack room, hereby permitted, shall not be used in connection with any trade or business purpose.

(Reason – The proposed development has been submitted as a private stable and tack room and has been duly assessed as such. If the development were used in connection with any trade or business there is potential of harm to highway safety and detrimental nuisance to the users of the public rights of way.)

8. Prior to the commencement of any development, a scheme for the provision and implementation of pollution control of the water environment, which shall include foul and surface water drainage, shall be submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans.

(Reason – To ensure a satisfactory method of foul and surface water drainage and to prevent the increased risk of pollution to the water environment.

### **Informatives**

Environment Agency and Rights of Way and Access Team informatives to be added

**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework 2007
- Planning Policy Statement 5: Planning for the Historic Environment

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