

West Malling **567260 157304** **20 December 2010** **TM/10/02910/FL**
West Malling And
Leybourne

Proposal: Erect 5 stables, hayroom and tack room and provision of 12
metre x 12 metre area of hardstanding
Location: Land Opposite 170 Offham Road West Malling Kent
Applicant: Mrs Susan Palmer

1. Description:

- 1.1 Members may recall that this application was presented to APC2 on 25 May 2011 and again (following a Members' Site Inspection) on 29 June 2011. It was deferred following the latter Committee for officers to negotiate an alternative siting that has a lesser impact on the setting of St Leonards Tower and on residential amenities.
- 1.2 Discussions have taken place between case officers and the applicants in respect of an alternative location for the proposed stables and a revised location is now put forward, as described in para 1.3 below. In undertaking these discussions, regard was had to a number of factors and material considerations, including the impact on heritage assets, residential amenity, animal welfare and drainage. Due to the position of the heritage assets, neighbouring properties and the environmental context of the site, the potential location of the stables on different parts of the site would result in an impact on a different material consideration: for example, if the stables were to be located parallel to the north-western boundary (as is now proposed) but in a position further to the south-west then, whilst they would not partially fall within Flood Zone 2, the stables would be less well screened from Offham Road.
- 1.3 The stable building as indicated on the revised plans now under consideration is proposed to be positioned towards the north-western boundary of the application site (ie the boundary with Offham Road), within Paddock 1. The vehicle access and parking arrangements are as previously proposed : a 12m x 12m area of hardstanding from rolled road-stone in the western corner of the site, with vehicular access to be taken from Offham Road via the existing access to Tower Farm, with the hardstanding then accessed through an existing gate in the adjacent boundary. The applicants have also indicated that any hay, tack, feed, etc would be transported from this area of hardstanding to the stables by wheelbarrow, with the exception that "on certain occasions it may be necessary to drive a 4x4 vehicle across the field but this would be a very occasional act rather than a regular one".
- 1.4 The size and design of the stables are also as previously proposed: it is proposed to erect a 24 metre long and 3.6m deep single storey building with the doors to the building to face to the south-east. The building would have a ridge height of 3m

and eaves heights of 2.2m. It would comprise five stables (3.6m by 3.6m), a tack room (2.5m x 3.6m) and a feed store (3.6m x 3.6m), and would be constructed from wood with bituminous corrugated roofing. A 2m wide concrete area of hardstanding would be positioned to the front of the building.

2. Reason for reporting to Committee:

- 2.1 The application was originally reported to Committee as it was considered to be locally controversial and at the request of Councillor Luker. As detailed above, it is being reported to the Committee following its deferral at the 29 June 2011 Committee for officers to negotiate an alternative siting of the stables.

3. The Site:

- 3.1 The application site comprises a trapezoidal shaped field located to the west of West Malling of approximately 3.8 ha in area. It is located within the MGB. Offham Road is located to the north-west of the site with Public Right of Way MR142 located to the south. A number of dwellings and associated curtilages, together with a small grazing paddock/field and orchard (which appears to be related to Gundulf's Meadow (181 Offham Road)), are located to the north of the application site. St Leonards Tower, a Grade I Listed Building and Scheduled Ancient Monument, lies just beyond the eastern corner of the site.
- 3.2 The site comprises four areas of grazing pasture (referred to in the application as paddocks numbered 1 – 4 from west - east) which are bounded by post and rail fences, with temporary and movable electric fencing positioned just inside these. The north western boundary to the site is well vegetated by a mature deciduous hedge, albeit the extent and height of this hedging reduces to the north where there is an entrance from Offham Road to the application site (Gate 1 as indicated on the submitted plans). There are rows of mature deciduous trees located between the PROW and paddocks 1 and 2 (the two most westerly paddocks) although these are not continuous: there are no trees or hedging on this boundary at the junction with the boundary between paddocks 1 and 2. Similarly, there is no vegetation on the southern boundary along paddocks 3 and 4. The north-eastern boundary comprises mature and extensive mixed deciduous and non-deciduous vegetation which serves to restrict and limit views from the application site and PROW further to the north.
- 3.3 It is proposed to locate the stable building in relatively close proximity to the north-western (Offham Road) boundary of the site, within paddock 1. At the time of previous site visits, it was observed that there were 13 horses in the 4 areas of grazing pasture. The site appears to be generally well maintained, with areas used for manure storage being located in the corners of the paddocks.
- 3.4 The application site slopes gently upwards to the east from Offham Road. There is also a considerable change in levels to the north of the application site: Gundulf's Meadow and Meadow Cottage (183 Offham Road) are located at a considerably

lower level than the northern edge of the proposed stables. The land to the immediate north and north-east of the application site, including Gundulf's Meadow (181 Offham Road) and Meadow Cottage (183 Offham Road), is situated within the West Malling CA.

- 3.5 It should also be noted that the northern corner of the application site, which includes the north-easterly position of the stable building, lies within designated Flood Zone 2.

4. Planning History:

TM/03/02001/FL Grant With Conditions 22 August 2003

Creation of access and field gate

TM/03/03335/RD Grant 29 January 2004

Details of a form of hard surface treatment to the access, pursuant to Condition 4 of TM/03/2001/FL: Creation of access and field gate

TM/06/00700/FL Refuse 22 December 2006

6 no. stall sectional stable blocks, all weather riding arena and change of use from agricultural to the keeping of horses.

5. Consultees:

- 5.1 There have been several sets of correspondence received in respect of this application, which relate to the several rounds of consultation which have been undertaken following firstly the submission of more detailed information on access and secondly the revised location of the stables. I have provided those responses received in relation to the consultation exercise undertaken following the submission of amended plans, before (for the sake of completeness) repeating the comments of the various consultees provided originally.
- 5.2 PC: (21 September 2011): Members had no objections but suggested that it would seem logical to locate the stables nearer the hardstanding. They also suggested that tree planting be used as a screening measure;
- 5.3 Private Reps: In respect of the most recent correspondence, three private representations (19/0X/3R/0S) have been received objecting to the proposal on the grounds of flooding, harm to visual amenity (including through the lighting of the site), residential amenity (noise, insects and vermin), highway safety and the fact that the horses which are kept on the site are not all owned by the applicant.

5.4 The consultee (but not neighbour) comments which were made in respect of the previous application are detailed below:

5.5 PC:

- (09 February 2011): Members expressed concerns about the access to the site, which they would prefer to be from Offham Road rather than St Leonards Street with its traffic problems. Members were also concerned about the proximity to dwellings and to the Grade I Listed St. Leonards Tower; they suggested that moving the proposal 50 yards to the east should be encouraged. Members were aware that some of the neighbours had expressed concerns about the overlooking of their properties. Members expressed concerns about manure (storage, disposal, etc) as this might give rise to odours and run-off. They would like to know what arrangements would be in place to deal with this. Members expressed concerns about the security of the site and wish to know if security lighting would be installed. Members wished to remind T&MBC of the earlier refusal TM/06/00700/FL;
- (17 March 2011): Members suggested that if this proposal were approved then it be conditioned so as to require the use of the Offham Road entrance and also that it be located further from the residential properties.

5.6 KCC (Highways) (03 May 2011): No objection subject to Conditions regarding the surfacing and maintenance of parking, turning and offloading areas and works to guard against the deposition of mud on the highway.

5.7 KCC PROW Office (14 January 2011 and 03 March 2011): Public Right of Way MR142 footpath runs along the southern boundary of the site but should not affect the application.

5.8 EA (14 January 2011): We have no objection to the application, but would advise against the use of soakaways. Run off from stable yards is considered foul drainage and so directing this to a constructed soakaway could pollute the groundwater. We would recommend that clean roof water be collected in water butts for re-use and drainage from washing out the stables/soaking hay simply be flushed across the ground to filtrate through.

5.9 DHH – Environmental protection:

- (24 January 2011): I note that the applicant has provided details of how they propose to dispose of the waste produced. Nevertheless I would ask that a Condition be added prohibiting the burning of waste on site: e.g. manure, straw, etc;
- (11 March 2011): Earlier comments were re-iterated.

5.10 EH (01 March 2011 and 08 March 2011): The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

6. Determining Issues:

6.1 Since Members previously considered the application, the only change to the planning policy framework has been through the publication of the Draft National Planning Policy Framework which was subject to a period of consultation from 25 July 2011 – 17 October 2011. It is for the decision making authority to determine how much weight is to be attached to the draft Framework. The national planning guidance relevant to this application is that as detailed in the report to APC2 on 25 May 2011: i.e. that contained in PPS1, PPG2, PPS5 and PPS7.

Principle of Development and Impact on animal welfare

6.2 I have previously advised Members as to my considerations in respect of the principle of development and impact on animal welfare in my report to APC2 on 25 May 2011:

- the provision of a stables building (including tack and feed store) and ancillary parking at the site is acceptable in principle and accords with CS Policy CP3, subject to it not harming the character or appearance of the area, amenities of neighbours, highway safety, etc. i.e. being in conformity with the criteria set out in CP14. These considerations are detailed below;
- subject to a Condition being imposed requiring that no more than 10 horses shall be grazed or stabled at the site, the proposal was not considered to create conditions which would not be acceptable on animal welfare grounds.

Impact on setting of St Leonards Tower, the character of the West Malling Conservation Area and the character of the area.

6.3 The amended position of the stable building is located approximately 170m further away from St Leonards Tower than the location of the stables as originally proposed: they would be situated approximately 390m away from this Grade I LB and SAM and, due to the lower level of the site as compared to the original position proposed, views of the stable building from the Tower would be largely precluded. Furthermore, the stable buildings would also be situated away from the boundary with the West Malling CA. I am of the opinion that the proposal will not harm the setting of the Tower or the character and appearance of the CA, and the proposed location is an improvement in this respect in relation to that detailed on the original submission. Indeed, I consider that the current position represents the location within the application site as a whole which will have the least impact on heritage assets.

- 6.4 However, the stables will be slightly more visible from publicly accessible locations in the position proposed as compared to that indicated originally, particularly from the PROW which runs alongside the boundary of the application site. Although the vegetation to the north-western boundary of the site is verdant, of considerable height and the stables have been positioned adjacent to the densest and tallest section of this boundary vegetation, it is likely that the stable will be visible from Offham Road through this vegetation during winter months. In order to ensure that this hedge is maintained, soft landscaping details will be required to be provided by condition. The location of the stables in closer proximity to the car parking area will facilitate the easier transport of tack, hay and other equipment from the car parking area to the stables (as compared to the position indicated originally) and there is a reduced likelihood that the field would be damaged through repeated vehicle movements across the field.
- 6.5 Having regard to the above, I am of the opinion that, whilst the proposal will result in the introduction of built form in the countryside and will be slightly more visible from publicly accessible land than the stable building as originally proposed, it is of a modest scale, will not appear incongruous and will not harm the character, setting or appearance of the heritage assets: it would have a lesser impact on the setting of St Leonards Tower than the stables as originally proposed.

Impact on the living conditions of adjacent dwellings

- 6.6 As detailed in my report to APC2 on 25 May and 29 June 2011, it was considered that the proposed location of the stables would not, subject to conditions regarding lighting and manure storage and removal, harm residential amenities. Members requested that officers discussed the alternative siting of the stables in order to negotiate a location which has a lesser impact on residential amenity.
- 6.7 The proposal as indicated on the submitted plans is located approximately 20m further away from the closest neighbouring properties (160 and 162 Offham Road on the north-western side of Offham Road) than the position of the stables as originally submitted in relation to Gundulf's Meadow (181 Offham Road) and Meadow Cottage (183 Offham Road). Although there is a considerable change in levels between Gundulf's Meadow and Meadow Cottage and the part of the application site on which the stables were originally proposed, the level of the land on which the stables are now presently proposed is similar to that of 160 and 162 Offham Road, albeit the application site is separated from these dwellings by a highway.
- 6.8 I am of the opinion that, given the additional distance and position of an intervening highway between the proposed stables and the nearest residential properties, the current location would have a lower impact on residential amenities than that as originally proposed. However, the occupiers of dwellings close to the proposed amended location have objected on similar grounds to the occupiers of

Gundulf's Meadow and Meadow Cottage and they consider that the amended position of the stables has merely moved an unacceptable impact on amenity from one location to another.

Flooding

- 6.9 It should be noted that whilst flooding does not form a criterion in MDE DPD Policy DC4 it is a material consideration in its own right. PPS25 details that the sequential approach should be applied so that new development should be directed to sites at the lowest probability of flooding from all sources, with its aim to steer new development to FZ1. Paragraph D16 of PPS25 advises that minor developments are unlikely to raise significant flood risk issues unless they would have an adverse effect on a watercourse, floodplain or its flood defences, impede access to flood defence and management facilities, or where the cumulative impact of such developments would have a significant effect on local flood storage capacity or flood flows.
- 6.10 As detailed above, the north western part of the stables will be located within FZ2. Given that much of the application site is FZ1, the proposal will not accord with the sequential approach. The location of part of the stables in the flood plain will serve to reduce the amount of floodplain storage which could be considered to constitute an adverse impact on a floodplain.
- 6.11 However, as detailed above, when considering the location of the stables it has been necessary to have regard to a number of factors, including the impact on heritage assets (particularly the Grade I Listed St. Leonards Tower) and Members may consider that any adverse impact on the flood plain through the positioning of part of the stables in FZ2 will be offset by the fact that the hedge along the north-west boundary of the site is at its densest and greatest height adjacent to the proposed position of the stables which serves to provide the best screening of the proposal from Offham Road.

Drainage

- 6.12 Similar to flooding, drainage does not form a criterion of MDE DPD Policy DC4 but is a consideration in its own right. The applicants previously detailed that it is proposed to provide a connection from an existing standpipe to the stables building and that any foul stable washings will be flushed across the adjacent grazing land, in this case directly to the south-east of the stables. Whilst this arrangement is in accordance with the advice recommended by the EA, Members should be aware that due to the relatively low lying level of the land in this area I would expect that there is greater potential for the waterlogging of land than at the original stables site, although I am of the opinion that such waterlogging would not be sufficient to warrant the refusal of this application solely for this reason. As detailed previously, the position of the stables as indicated presently is considered

to represent the most appropriate location when balancing all material considerations in the round, but this does mean that the proposal has a greater impact or effect on particular considerations.

Highways

6.13 The application as previously reported to APC2 set out that vehicular access to the site will be taken via the existing access from Offham Road to Tower Farm. KHS has not raised any objection on highways or parking grounds, subject to the imposition of conditions in order to control and maintain this parking area over time. In order to restrict access being taken from other existing accesses to the site, it is recommended that a condition be attached in order to prevent their use except in emergencies as their suitability as main accesses has not been assessed as this did not form part of the application and concerns remain about their suitability in terms of highway safety.

6.14 It is considered that the proposal satisfies criterion (g) of MDE DPD Policy DC4 and MDE DPD Policy SQ8.

Conclusion

6.15 It is considered that the amended position of the stables building represents the most appropriate location within the application site when balancing the various material considerations and criteria against which proposals for equine related development should be assessed, as set out in MDE DPD Policy DC4, having particular regard to the impact of the setting on St Leonards Tower (SAM and Grade I LB) and the West Malling CA. Whilst I am of the opinion that the proposal performs positively against the majority of criteria set out in this Policy, part of the stables buildings will be located in FZ2, washings from the concrete envelope on which the stables will be located could contribute to the waterlogging of this low lying part of the site and Members may consider that the impact on residential amenity (now in terms of 160 and 162, in particular, Offham Road) is not sufficiently improved as compared to the effect of the original proposals on the amenities of Gundulf's Meadow and Meadow Cottage.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details:

Email dated 09.03.2011, Design and Access Statement dated 17.12.2010, Planning Statement dated 17.12.2010, Site Plan dated 17.12.2010, Location Plan dated 15.10.2010, Documents dated 15.10.2010, Documents dated 15.10.2010, Photographs dated 15.10.2010, Certificate B dated 15.10.2010,

Location Plan dated 15.10.2010, Letter dated 08.11.2010, Floor Plans And Elevations 037/2010/1 Rev A dated 23.02.2011, Letter dated 23.02.2011, Plan dated 02.08.2011, Email dated 08.08.2011, subject to the following:

Conditions

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

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

3. The building shall not be occupied until the cladding has been painted or stained black and it shall thereafter be retained thus unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the countryside.

4. No development shall take place until details of the means of storage and disposal of manure, bedding or any other waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the details so approved. At no point shall any manure, bedding or other waste be burnt on site.

Reason: To prevent nuisance to neighbours by virtue of smell, vermin and flies.

5. The stables hereby permitted shall be used solely for private stabling of horses owned by the owner/occupier of the application site and not for commercial stabling or in connection with a riding school/livery.

Reason: Commercial use could harm significantly the amenities of the locality and the free and safe flow of traffic on local highways.

6. Vehicular access shall only be taken to the application site via the gate to the access to Tower Farm from Offham Road. No vehicular access shall be taken via any other gate to the application site at any time.

Reason: In the interests of highway safety and the visual amenities of the area.

7. Prior to the first use of the site, the area of hardstanding hereby approved shall be surfaced and drained. The area of hardstanding shall be used only for the parking, turning, loading and off-loading of vehicles associated with the stables hereby approved. No vehicles, horse boxes or chattels shall be sited on the

hardstanding or any other part of the application site overnight. No parking or loading/unloading of vehicles shall take place at any other point at the site except at the area of hardstanding.

Reason: In the interests of visual amenity.

8. No external lighting shall be installed at the site unless details have been submitted to and approved in writing by the Local Planning Authority. Any external lighting shall be installed in accordance with the approved details.

Reason: To protect the character of the area.

9. No more than a maximum of 10 horses shall be grazed, stabled and/or kept at the site at any time, unless agreed in writing by the Local Planning Authority following the submission and approval of a Land Management Plan which details proposals for good pasture management (including stocking densities): pasture management shall be undertaken in accordance with the approved Land Management Plan.

Reason: To protect the character of the area.

10. The stable hereby permitted shall not be used until a post and rail fence has been constructed so as to prevent any horse from approaching and accessing the area of hardstanding in the western corner of the site hereby permitted. The fencing shall be of sufficient height and strength to prevent the escape of any horse and shall be retained thereafter at all times when the stables or paddocks are occupied.

Reason: In the interests of highway safety.

11. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

Contact: Steve Baughen