

HARROGATE BOROUGH COUNCIL

PLANNING AREA2 DC COMMITTEE – AGENDA ITEM 5: LIST OF PLANS.

DATE: 4 May 2004

PLAN: 10	CASE NUMBER: 04/00950/RG3MAJ
APPLICATION NO. 6.94.72.RG3MAJ	GRID REF: EAST 434445 NORTH 457910
	DATE MADE VALID: 18.02.2004
	TARGET DATE: 19.05.2004
	WARD: Knaresborough Scriven

Park

APPLICANT: Harrogate Borough Council

AGENT: Harrogate Borough Council

PROPOSAL: Change of use from agricultural land to public open space.

LOCATION: Scriven Park Ripley Road Knaresborough North Yorkshire HG5 9DF

REPORT

SITE AND PROPOSAL

This is an application to change the use of 12 hectares of agricultural land at Scriven Park to public open space.

The site lies wholly within Scriven Conservation Area and Scriven Park Special Landscape Area.

The site which is surrounded by an existing stone wall and is currently in agricultural use.

The application follows the generous bequest to the Council of the land by the late Miss Jacob- Smith for the provision of a permanent open green space for the benefits of the general public.

The application is for the change of use of the land only and no operational development is proposed.

MAIN ISSUES

1 Land Use/Landscape Impact

RELEVANT SITE HISTORY

There is no post 1974 history.

CONSULTATIONS/NOTIFICATIONS

Parish Council
Scriven

English Nature
No comments

Chief Estates Surveyor
No comments received
Environmental Health
No objections

Highway Authority
Advises that the proposals are acceptable in principle but advises that the existing gates opposite Park Grove are unacceptable for any proposals involving an intensification of use

Chief Engineer (H and T)
No objections to the change of use but recommends that access arrangements are given due consideration

DLAS - Open Space
Fully supports the proposal

KNARESBOROUGH TOWN COUNCIL
Knaresborough

Landscape Officer
No comments received
Knaresborough Civic Society
No comments received
H.B.C Land Drainage
No comments

APPLICATION PUBLICITY

SITE NOTICE EXPIRY: 26.03.2004
PRESS NOTICE EXPIRY: 26.03.2004

REPRESENTATIONS

SCRIVEN PARISH COUNCIL - Scriven Parish Council are delighted that this beautiful parkland is to be conserved as such and is not to be sold for any development. It will provide a wonderful amenity for the local community.

We have studied Miss Jacob-Smiths Last Will and Testament and note that "the same (park) shall not be used for the creation of a swimming pool or for any development/building whatsoever" Scriven Parish Council wish to be assured that this wish is followed to the letter.

The parkland is of wonderful landscape value and serves as a buffer between Knaresborough and Scriven and should continue to be the tranquil area it is at present. Scriven Parrish Council would strongly resist attempts to construct any building whatsoever within the park

Scriven Parish Council have some concerns that if the parkland ceases to be used for grazing then it may lose its rural aspect and therefore request that its continued use for grazing is considered.

From the Council's previous meeting on 27 January 2004 and attended by Councillor Anne Jones, we were assured that we would be involved in any meetings to discuss the future of the park, including site meetings. We have heard nothing so far and should be pleased to receive assurances we will be involved in the future. To this end, we request that at least one Scriven Parish Councillor be appointed to the management committee of Jacob-Smith Park.

KNARESBOROUGH TOWN COUNCIL - Supports the application and requests that the name Scriven Park be amended to Jacob Smith Park.

OTHER REPRESENTATIONS - Three letters of objection have been received:

One from the tenant farmer advising that the loss of this land would have a serious effect on his farming business.

A further letter from agents acting on behalf of the tenant farmer expands on the implications of the loss of this land to the enterprise.

One letter of objection has been received from a local resident expressing concern about the vagueness of the application

VOLUNTARY NEIGHBOUR NOTIFICATION -

53 notifications were given to the residents whose properties surround the site.

RELEVANT PLANNING POLICY

PPG1 Planning Policy Guidance 1: General Policy and Principles

PPG17 Planning Policy Guidance 17: Planning for open space, sport and recreation

LPHD03 Harrogate District Local Plan Policy HD3: Control of development in Conservation Areas

LPC09 Harrogate District Local Plan Policy C9: Special Landscape Areas

LPR05 Harrogate District Local Plan Policy R5: New Sports and Recreational Facilities

ASSESSMENT OF MAIN ISSUES

1. LAND USE/LANDSCAPE IMPACT - This is an application for the change of use of agricultural land to public open space in line with the wishes of Miss Jacob-Smith.

As an application for change of use this application seeks no approval of any operational development. If permission is granted some limited practical repair work to the boundary wall would be necessary in the interests of public safety and some works may be necessary to trees within the park.

The proposed change of use will have no adverse impact on the Conservation Area or the Special Landscape Area. And will serve to preserve and enhance the area in the short and long term. There is therefore no conflict with Policy HD3 or C9.

The use of this land for public recreation is immediately adjacent to both Scriven and Knaresborough and is unlikely to give rise to any highway issues. No buildings or structures are proposed and there is no conflict with Policies R2 and R3 of the Structure Plan. It is therefore concluded there is no conflict with Policy R5 of the Local Plan.

If permission is granted the agricultural tenancy would be terminated and Members should consider this issue and judge the impact on the tenant farmer against the wider public benefits of allowing public access to the land. This is clearly a sensitive issue. The tenant farmer has occupied the land since 1986 and has a full tenancy. The agents advise that the tenant farms a total of 45 acres under secure tenancies and own 4.5 acres. From this base they run over 800 breeding ewes and 200 head of cattle using a considerable acreage of short term grazing and these enterprises form the principal source of livelihood for the tenant. They advise that the 30 acres (12ha) which is the subject of this application accounts for 60% of the area farmed under secure tenancies and is essential for the long term planning of the business and may affect Farm Support Payments which are due to change next year and conclude that the future viability of the business would be questionable.

Scriven Parish Council have raised the question about possibility of a dual use, with both grazing and public access, thereby allowing the tenant to continue and allowing public access. This issue has been discussed with the Director of Leisure and Amenity Services. There are a number of reasons why the two uses would not be compatible. There is an issue for the security of the livestock since there will be public access. Although such access points could be gated the security of the site for livestock could not be guaranteed. If the livestock were fenced in to "paddocks" that would restrict public access to the whole site and make the site less attractive as public open space. There is also an issue with the potential damage to a recreation area by the livestock simply grazing the land. It is therefore concluded that a dual use would not be appropriate.

CONCLUSION - There is a real shortage of public open space in the area and this proposal will considerably redress this problem. This proposal will have no adverse impact on the landscape and will serve to preserve and enhance the Conservation Area. In conclusion there is no conflict with planning policy. The issue of the impact on the tenanted land holding is sensitive but is ultimately a matter between tenant and landlord which will be resolved under the Agricultural Holdings Act.

CASE OFFICER: Mr R N Watson

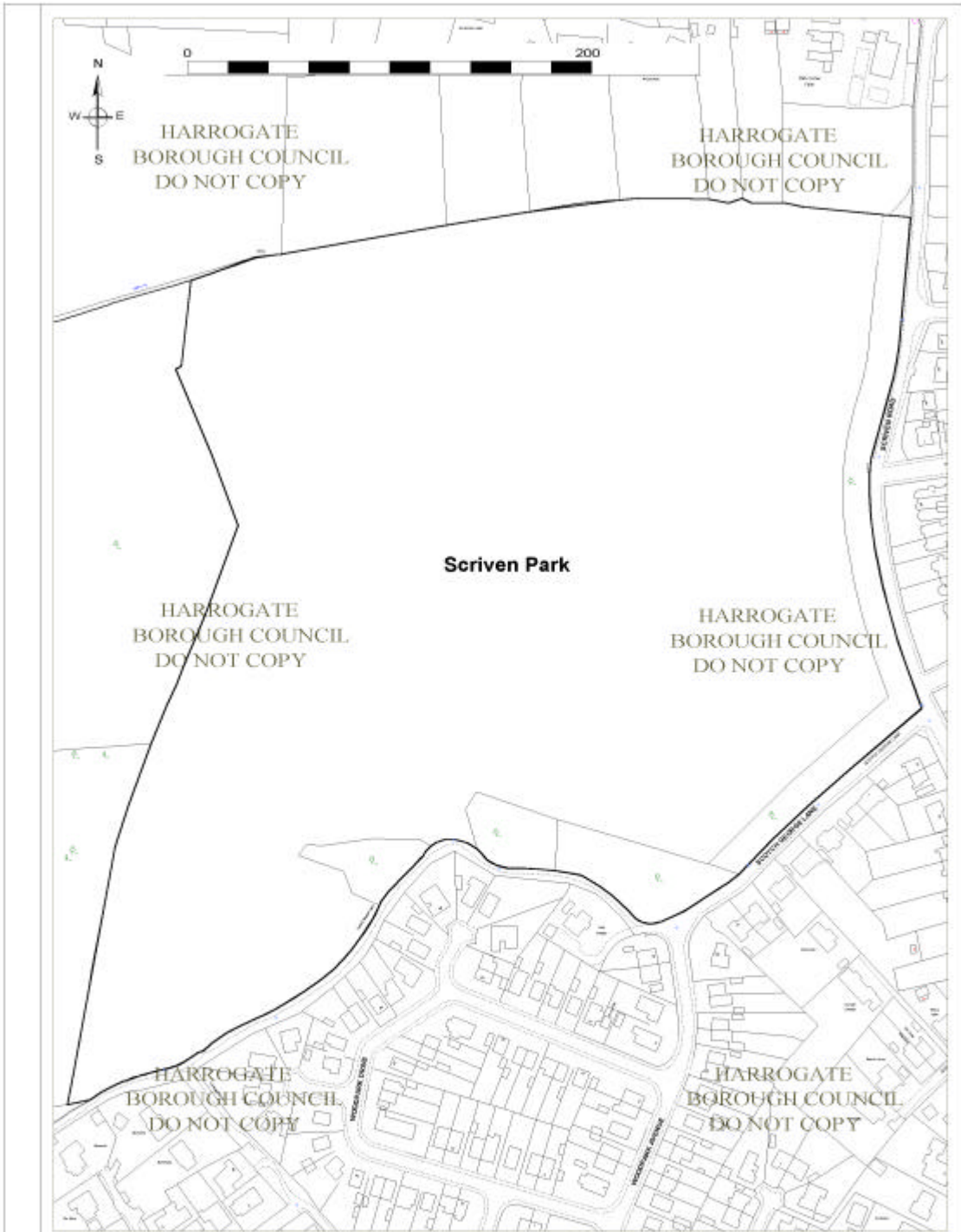
RECOMMENDATION

That the application be APPROVED subject to the following conditions:-

- 1 CA05 DEVELOPMENT SHALL BE BEGUN BEFORE
- 2 Details of any vehicular and pedestrian access to the site shall be submitted for the written approval of the Local Planning Authority and thereafter provided in accordance with the approved details.

Reasons for Conditions:-

- 1 CA05R TO COMPLY WITH SECTIONS 91-94
- 2 In the interests of highway and pedestrian safety.



Harrogate
BOROUGH COUNCIL

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Area 2 DC Committee

04/05/2004

App No.: 6.94.72.RG3MAJ

Case No.: 04/00950/RG3MAJ

Scale: 1:2500 (at A4 size)

Item No: 10

Site

Drawn by June Brown

Site Area: 12.16 hectares

Produced for Development Control Area Planning Committee for site identification purposes only.