

HARROGATE BOROUGH COUNCIL

PLANNING AREA2 DC COMMITTEE – AGENDA ITEM 6: LIST OF PLANS.

DATE: 3 August 2004

PLAN: 06	CASE NUMBER: 04/02318/FULMAJ
APPLICATION NO. 6.102.100.FULMAJ	GRID REF: EAST 440335 NORTH 457040
	DATE MADE VALID: 21.05.2004
	TARGET DATE: 20.08.2004
	WARD: Ribston

APPLICANT: HPC Outdoor Pursuits

AGENT: Carter Jonas

PROPOSAL: Retention of use of land for paintballing, formation of quad bike track, siting of portakabins and caravans, and installation of mesh fencing between trees.

LOCATION: Land Comprising Part Of Flaxby Covert Flaxby Knaresborough North Yorkshire

REPORT

SITE AND PROPOSAL

This is a retrospective application for the use of part of Flaxby Covert for the use of paint balling and quad bike activities. The site has been used since January 2003, although the business has been operating from various sites for about 10 years.

The activities take place within the woodland and are limited to paint balling and quad biking, access to which is achieved from the service road to Donnelly's Print works. The paint balling involves teams of individuals meeting at the site, being briefed, outfitted with kit and paint ball guns. This takes place in the various caravans and portacabins which are camouflaged dark green or black. The paint balling itself takes place in the eastern part of the woodland, in daylight hours only, primarily on Saturdays and Sundays, although there may be some mid week activity on demand. The site is screened for safety purposes by green netting slung between existing trees.

The quad bike activity takes place in the northern part of the woodland and is non competitive (no racing or overtaking is allowed). The track is within the woodland and no trees were removed to create the course.

MAIN ISSUES

- 1 Land Use
- 2 Impact on the Woodland/Ecology

RELEVANT SITE HISTORY

There is no relevant site history

CONSULTATIONS/NOTIFICATIONS

Parish Council

Flaxby

Health and Safety Executive

Do not advise, on safety grounds, against the granting of planning permission in this case

The British Horse Society

Object to the development as conflicting with other recreational use, adversely impacting on local amenity and on safety of horses (noise from gun fire)

Environmental Health

Reply awaited

Environment Agency

No comments received

Ramblers Association

Object to the activity

Highway Authority

Recommend conditions

Landscape Officer

Reply awaited

D.L.A.S Arboricultural Officer

Advises that the "camp compound" has resulted in the loss of mature trees which should be replaced

Countryside Officer

Advises that there is a policy presumption against development which would damage nature conservation interests unless there is a management plan to mitigate any harmful impact

H.B.C Land Drainage

No comments

APPLICATION PUBLICITY

SITE NOTICE EXPIRY: 25.06.2004

PRESS NOTICE EXPIRY: 25.06.2004

REPRESENTATIONS

GOLDSBOROUGH PARISH COUNCIL - Object - comments attached as Appendix 1.

OTHER REPRESENTATIONS - No other representations have been received.

VOLUNTARY NEIGHBOUR NOTIFICATION - None.

RELEVANT PLANNING POLICY

- PPG1 Planning Policy Guidance 1: General Policy and Principles
- PPG17 Planning Policy Guidance 17: Planning for open space, sport and recreation
- LPR12 Harrogate District Local Plan (2001, as altered 2004) Policy R12: Sport and Recreation Development in the Countryside
- SPR2 North Yorkshire County Structure Plan Policy R2
- SPR3 North Yorkshire County Structure Plan Policy R3
- LPC05 Harrogate District Local Plan (2001, as altered 2004) Policy C5: Woodland and Forestry
- LPNC04 Harrogate District Local Plan (2001, as altered 2004) Policy NC4: Semi-Natural Habitats
- LPNC05 Harrogate District Local Plan (2001, as altered 2004) Policy NC5: Impact mitigation on nature conservation interest

ASSESSMENT OF MAIN ISSUES

1. LAND USE - Policy R12 of the Local Plan supports the provision of sport and recreational activities of an open nature in the countryside providing 6 criteria are met.

The proposal should not conflict with policies R2 and R3 of the Structure plan. Policy R2 does not apply in this case as the site is not in the AONB. Policy R3 supports the use of woodland for appropriate uses, again with safeguarding criteria as policy R12.

The second criteria of policy R12 identifies that the activity cannot be located in a built up area. The very nature of these activities would preclude them taking place in town.

Where possible the site should be accessible by public transport or on foot. Although not readily accessible on foot, save from Flaxby or Goldsborough, the A59 is serviced by public transport.

There are buildings on the site which serve as changing facilities, briefing rooms and storage they are well contained and camouflaged and therefore not intrusive.

The proposal should not cause excessive noise disturbance to other users of the countryside or residents. There are no residential properties in close proximity, but Members should take into account the objections of the Parish Council, Ramblers and the Bridleways Association. However, it is considered on balance that the relatively low level of activity and taking into account the background noise from traffic that there is no overriding objection on this issue.

Finally the development should not cause significant harm to the safety and free flow of traffic on the highway network. It is not considered that the scale of the development would

have a significant impact.

2. IMPACT ON THE WOODLAND/ECOLOGY - Policy R3 of the Structure Plan includes a criterion to ensure that the development does not adversely affect areas of nature conservation interest. The site is not officially designated as a SINC but would qualify under the NY SINC Panel criteria.

Policy C5 of the Local Plan seeks to resist development which would harm the landscape, screening or wildlife value of the woodland. Policy NC4 also seeks to protect semi natural habitats. Given the fact that the site would qualify for SINC status there is a policy presumption against approval unless the impacts can be mitigated. Despite the potential damaging aspects of these recreational activities, which could operate for 28 days per year under the provisions of the Town and Country Planning General Permitted Development Order, by regulating the activities there is scope for the active management of the site which would mitigate substantially any adverse impacts.

The issues which could be addressed by a management plan could include the protection of sensitive wet areas, restriction of activities to least sensitive areas at bird nesting times, rotation of activity to allow for periodic recovery, improvement of the structural diversity of the woodland, control of invasive flora and the provision of bird nest boxes and bat boxes.

CONCLUSION - Subject to the provision of a management plan to mitigate against any adverse nature conservation interests, approval is recommended.

CASE OFFICER: Mr R N Watson

RECOMMENDATION

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

- 1 Within one month of the date of this permission a plan for the management of the woodland, including measures to mitigate any adverse ecological impacts, shall be submitted for the written approval of the Local Planning Authority and thereafter implemented in accordance with the approved details.
- 2 Within 3 months of the date of this permission a minimum of 25 parking spaces (min size 4.8m x 2.4m) shall be laid out, hard surfaced, drained, marked out and made available for use. Once created these shall be maintained clear of obstruction and retained for their intended use at all times.
- 3 HW32 PUBLIC RIGHTS OF WAY

Reasons for Conditions:-

- 1 To secure the long term future of the woodland.
- 2 HW18R ROAD SAFETY REQUIREMENTS
- 3 HW32R TO PROTECT THE RIGHT OF WAY

