

HARROGATE BOROUGH COUNCIL

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

DATE: 19 July 2005

PLAN: 01	CASE NUMBER: 03/05454/FUL
APPLICATION NO. 6.124.218.G.FUL	GRID REF: EAST 445900 NORTH 453020
	DATE MADE VALID: 24.03.2004
	TARGET DATE: 19.05.2004
	WARD: Marston Moor

APPLICANT: Margaret Hallums

AGENT:

PROPOSAL: Retention of external escape to first floor side door, extensions to existing internal flat, retention of existing storage building and erection of single storey extension to storage building and for a change of use from storage building to form indoor riding arena/storage area, the retention of existing menage and stables, installation of new package treatment plant (amended description).

LOCATION: Jodhpurs Riding School Blind Lane Tockwith York North Yorkshire YO26 7QJ

REPORT

SITE AND PROPOSAL

Jodhpurs Riding School is located on Blind lane, Tockwith. Blind Lane is a private road with a Public Right of Way running along it. There is a mix of residential, business and farming uses along Blind Lane. Blind Lane is a short distance away from the main settlement of Tockwith.

The proposal is formed of the following elements:

- Retention of approved storage building at 9.8 metres high and change of use to indoor arena and store;
- Extension of proposed indoor arena to form viewing gallery;
- Retention of external steps to flat;
- Retention of existing external ménage and stables;
- Installation of package treatment plant;

The applicant has submitted a letter containing supporting information as follows:

- Need for the indoor arena with viewing gallery/lecture room - winters are becoming wetter and windier and summers hotter and horses, riders and instructors, parents (some with young children) need somewhere to shelter when the weather is inclement;
- The viewing gallery can double up for staff to have lunch and tea;

- Lecture room is needed for pupils who wish to take their Association of - British Riding School's theory tests;
- The car park will be tarmaced and marked out;
- Lessons have been planned to allow one lesson to leave before the other arrives.

MAIN ISSUES

1. Impact on Residential Amenities
2. Impact on the Public Right of Way
3. Impact on the Character and Appearance of the Countryside

RELEVANT SITE HISTORY

6.124.218.A.PA - Planning permission (6.124.218) was originally refused in 1990 for the erection of 4 timber stables. However in 1991 planning permission was approved for the erection of 12 timber stables, tack room and feed room to be used as a base for a riding centre with 12 horses.

The original planning permission was for a 'U' shaped arrangement of stables, which was revised to form 3 stable blocks in parallel to avoid overhead cables. This was approved as a minor amendment to application 6.124.218.A.PA.

As part of the planning permission two conditions were attached requiring space for the parking of 15 cars and provision of visibility splays. This was never carried out and whilst parking is available within the site it is haphazard. However, the current application does provide details of visibility splays and parking to be laid out.

Planning permission for these stables has not been fully implemented and stable block No. 2 has not been located in accordance with the approved siting and is longer than it should be. Subsequently planning application 6.124.218.B.PA was approved for the erection of new stables for 20 horses, the conversion of the existing stables into feed store and the extension of the existing car park.

Only 1 of the 3 stable blocks approved under 6.124.218.A.PA was built initially and it was this that was to be converted into a feed store. Parking facilities were increased to 25 spaces but whilst the space was available, it had not been laid out.

A condition was attached to the decision notice stating that nothing above a height of 1.05m should be grown or erected within the visibility splays. This condition has not been adhered to as the hedge along the boundary with Blind Lane is over 2m high.

The floor plan of the stable building approved under application 6.124.218.B.PA is divided up into 20 stable units with a feed store, tack room and w.c. to the end (north).

Application 6.124.218.C.FUL for an extension to the stables to form a machinery store was granted in 1997. Additional information was included with this application stating that the area would also be used for storage of animal feed and straw, and would also house stables for additional ponies. However no floor plan of the arrangements was included as part of the application.

At present, this extension does not appear to be used as a storage area or as stabling. Photographs taken by the case Officer on 7/05/04 show the area empty.

It was noted by the Case Officer during the site visit for application 6.124.218.C.FUL that there was a ménage on site; the owner was advised that planning permission was required for this. This was subsequently approved under application 6.124.218.D.DUL in 1998.

In 1998, application 6.124.218.E.FUL was submitted for the retention of the first floor flat which had been created within the shell of the stable building. Previously a static caravan had been requested as part of application 6.124.218.B.PA but was withdrawn from the application as it was considered to represent an intrusive form of development within the countryside. As the flat was located within the shell of the existing stable building it was considered that no adverse impact on residential amenity or on the appearance of the countryside would occur. The flat was justified through the need to improve security on site and improve the welfare, health and safety of the animals. It also complied with guidance in PPG7 and PPG17.

The approved plans for this application (98/18) show access to the flat from both within the building and from steps on the outside to the front but the steps at the front were not built. (The current application shows details of steps accessing the flat from the side of the building instead.)

The ground floor layout of the stables has been altered to provide an office and tack room below the flat where stabling has been laid out previously under application 6.124.218.B.PA. There is also an extension to the front of the building to facilitate a w.c. which has not received planning permission.

In 2002 application 6.124.218.F.FUL was submitted for a general storage building. A statement of need for the building was submitted detailing site safety as a main factor as the building would enable straw and hay which were currently being stored around the car park to be stored safely and prevent a serious fire from occurring, this in turn would improve the number of spaces available.

The amended and subsequently approved plan (J100/2/2) indicated that the first stable block approved under application 6.124.218.A. was disused and that the second stable had been erected. This first block of stables is again now in use as stables.

The size of the storage building approved under application 6.124.218.F.FUL is not as built and whilst the floor area is correct, the height of the storage building is 9.8m rather than the approved height of 8.2m high. As a result of this, the applicant is now seeking retrospective permission for the retention of this building.

CONSULTATIONS/NOTIFICATIONS

Parish Council
Tockwith

The British Horse Society
No comments received
Highway Authority
No comments received

Ramblers Association

No comments received

Environmental Health

No comments received

APPLICATION PUBLICITY

SITE NOTICE EXPIRY: 30.04.2004

PRESS NOTICE EXPIRY: 30.04.2004

REPRESENTATIONS

TOCKWITH PARISH COUNCIL - Objects strongly to this application and requests that the determination of the application is made at a meeting of the planning committee, following a site visit so that members are aware of the location and site constraints and not under delegated powers because of the strength of local feeling against the application.

1. Grave concern is expressed at the traffic implications of the proposals because of the current difficulties when vehicles park along Blind Lane, preventing access/egress by other residents/businesses, when there is an event on at the Riding School. Blind Lane is a narrow country lane which is a private road, maintained at the expense of residents further down the lane and a public footpath.
2. The large storage shed on site, partially erected but never completed or used for the stated purpose, was deemed to be necessary for the current size of operation of the business. Does this mean that another building of the same vast size will be required if the current unit has a change of use? The Council expresses concern at a proliferation of very large, ugly buildings in an open countryside location.
3. If the size of the business is increased and room cannot be found on site for the current levels of traffic, how can it possibly be the case that there will be enough parking provision on the site for many more visitors?
4. Previous applications along Blind Lane have been refused, citing the reason that harm would be caused to the amenity of pedestrians, horse riders and other traffic using the lane, particularly large agricultural vehicles.
5. If such a large expansion of the business is required and the planning authority is minded to approve the application, it is considered most important that an alternative access to the site is used and made appropriate to the volumes of traffic it would carry.
6. Access down Blind Lane for emergency vehicles and other traffic related to businesses and residences should be maintained at all times.
7. The Parish Council does not believe that the roads around the site are adequate to carry the increased volumes of traffic that the enlarged enterprise would engender, this comprising of horse boxes and suchlike vehicles as well as motor cars and 4x4's. The road through Tockwith is a C class road and there are weight restrictions along its' length.

8. The site is not large enough to cater for the number of vehicles at present and the Council do not believe that the proposed site could cater for up to a 100 vehicles when the site is in full operation.

9. Concern is expressed at the means of disposal of waste generated from such a large enterprise. The Environmental Health department should be consulted, an Environmental statement required from the applicant and strict conditions appended to tightly control the storage and disposal of manure etc so as not to contaminate local water courses.

A total of 12 letters of objections have been received from 7 different properties. The correspondence received from Jackson's Solicitors is on behalf of their clients Mr and Mrs Burge.

OTHER REPRESENTATIONS - Issues raised by objectors:

- There is a footpath along the far east boundary and Blind Lane has a public footpath.
 - The section of the application referring to the soakaway for the new sewerage states there is little clay. objector disagrees. (Spoke to Environmental Health regarding the soakaway issues and was informed that their comments would not change.)
 - The development will devalue the property and have a detrimental impact on businesses along the road
 - Concern about blocking Blind Lane when access is required for cars and emergency vehicles
 - The customers at the Riding School ride horses along the lane, it is an offence to ride on a public footpath. (This is not a planning issue and in any event relates to the approved use of the premises rather than the current proposals)
 - The existing issue over traffic on the lane would become compounded as the traffic and business attending events at the riding school increased.
 - The proposed changes to the business will have a detrimental affect on business and quality of life.
 - The application claims that the riding school has car parking for 100 cars.
 - There is not enough space for the increasing number of cars.
 - Overdevelopment of the site.
 - There will still be a need for a large 'feed store' - can we expect another large building.
 - The conditions put on previous applications have largely been ignored. This application would be regarded with the same attitude and contempt.
 - The proposed development is larger than that approved as a storage building.
- The detailed landscaping scheme has not been carried out as requested in 6.124.218.F.FUL.
- Policy E6 - development will only be permitted if it will not cause unacceptable planning problems. These would include the amenities of the occupiers of both residential and business properties which may be affected by the proposal.
 - Blind Lane is the sole vehicular access to Locksley Park and other residential and commercial properties - require unrestricted access.
 - There will be an increase in the number of competitions held.
 - The impact of the development on Blind Lane is a material consideration as it will cause demonstrable harm.
 - Concern that the applicant will revert back to using straw as bedding instead of wood shavings that are currently being used which require less storage room.
 - Despite the amount of existing storage space, the haylage is stored outside in the car

park and tractors, machinery and other vehicles are also kept outside.

- The new building is already in use as an indoor riding arena.
- Concern about the holding of shows and competitions due to the size of the arena and the intensification of use and numbers visiting.
- Increased activity on site due to the proposed extensive facilities.
- Concern about enforcing the provisions of the unilateral agreement.

VOLUNTARY NEIGHBOUR NOTIFICATION – None.

RELEVANT PLANNING POLICY

- PPS1 Planning Policy Statement 1: Delivering Sustainable Communities
- LPA01 Harrogate District Local Plan (2001, as altered 2004) Policy A1: Impact on the Environment and Amenity
- LPHD20 Harrogate District Local Plan (2001, as altered 2004) Policy HD20: Design of New Development and Redevelopment
- LPC02 Harrogate District Local Plan (2001, as altered 2004) Policy C2: Landscape Character
- LPC15 Harrogate District Local Plan (2001, as altered 2004) Policy C15: Conservation of Rural Areas not in Green Belt
- LPC16 Harrogate District Local Plan (2001, as altered 2004) Policy C16: The Re-use and Adaptation of Rural Buildings
- LPR11 Harrogate District Local Plan (2001, as altered 2004) Policy R11: Rights of Way

ASSESSMENT OF MAIN ISSUES

POLICY BACKGROUND

PPS1 - Delivering Sustainable Communities states that planning should protect and enhance the natural and historic environment, the quality and character of the countryside, and the existing communities.

PPS7 - All development in rural areas should be well designed and inclusive, in keeping and scale in scale with its location, and sensitive to the character of the countryside and local distinctiveness.

Policy A1 states that development should make a positive contribution to the area and will not be permitted where it would cause a significant problem to access, road safety or traffic flow or adversely affect the amenity of the nearby residents and the surrounding countryside.

Policy C2 refers to the Landscape Character and states that development should protect the existing landscape character.

Policy C15 states that development within the Countryside, outside of the confines of the development limit will only be permitted where it is appropriate to the rural area.

Policy C16 refers to the Reuse and Adaptation of rural buildings and states that the proposal should not harm the character or appearance of the countryside or of the building itself as a result of any physical changes, access, servicing or the level of activity.

Policy R11 is concerned about the amenity of the Public Right of Ways. Development that

would result in harm to the character or recreational and amenity value of the existing rights of way will not be permitted.

Policy E6 refers to the redevelopment or expansion of existing industrial and business sites and states in the justification that permission will normally be given so long as there is no significant adverse effect on the character or appearance of the area or on residential amenity and where there are no overriding planning objections.

ASSESSMENT

The application has been amended removing the proposal to erect a first floor terrace between the stable building and the hedge, adjacent to the public right of way (PROW). This would have had an adverse impact on the amenity and character of the countryside by adding domestic paraphernalia to a functional agricultural type building. However this has now been reduced to allow for just steps up to the side door to the first floor flat to provide an external access.

The main objections received regarding the application refer to users of the Riding School parking on Blind Lane, which causes obstruction to the other users of Blind Lane who have a right of access along it to their properties.

The parking of cars on Blind Lane preventing access down it for other users is not a highway matter because it is a private road. However, the character, recreational and amenity value of the PROW is a planning matter as are the amenities of nearby residential properties.

Whilst on street parking by users of the Riding School is alleged by residents of Blind Lane to be occurring, it is not blocking the PROW for walkers, cyclists and riders but it is obviously causing concern to other vehicle users of Blind Lane. The current application shows details of additional parking to be laid out and provision of overflow car parking when necessary. Providing that the parking is laid out in accordance with the plans and is set out prior to the commencement of the use of the storage/riding arena, there should be no overflow onto Blind Lane and any existing problems alleged alleviated.

The signing of a unilateral agreement should allay fears that parking on Blind Lane will continue, as this covers the day to day management and timing of classes.

The current proposals to use the storage building for a joint storage and riding arena would, at times result in some additional traffic to the school and whilst it is not possible for conditions to prevent visitors to the school from parking on the private road the provision of adequate and properly laid out off street parking should ensure that this should not happen. The applicant has shown in all 50 parking spaces, 14 of which double up as machinery and horsebox spaces. The proposed parking will be an improvement on the current situation where there is no visible marking out of spaces, so visitors currently prefer to park on the road. Previously parking schemes were approved as a condition and haven't been adhered to. As the proposed parking arrangement has been agreed to in a Unilateral Agreement, which is a legally binding agreement it shows that the applicant is prepared to stop using the storage building as a indoor riding arena/storage until parking has been laid out accordingly.

Visibility splays are to be created by removing 3m of hedge from either side of the existing

entrance.

There are no objections to the development from the Highways Authority and conditions are recommended if the development is approved.

Concerns have been raised regarding the use of the arena for competitions. This is an important material consideration to address as the use of the arena for competitions would attract riders from other schools and significantly increase the number of people attending the Riding School at a particular time. As such it is recommended that the use of the arena for events is restricted to twice a year for a 'parents' show which will keep the number of people and their cars visiting the school down to a level that can be accommodated by the parking facilities proposed. This has also been agreed to in the Unilateral Agreement. A condition is also recommended to prevent the use of the Riding School for any other type of open day/show.

The change of use from storage building to storage building/riding arena has come about from a need by the owner to provide indoor schooling. At present there is a small area at the end of the stable block (the extension that was permitted in 1997) which can be used for schooling. Whilst this has not been confirmed by the applicant photos submitted by an objector show this to have occurred.

According to the applicant the food used to be hay and bedding straw. The bales came to the site in lorry loads and were bulky. The food is now haylage, which is compressed wet hay in black plastic covers. No more than 8 of these are delivered to the site at one time and the volume is significantly smaller than the load of hay previously delivered. The straw bedding has now been replaced with bark/wood chippings and two pallets of these are delivered at one time and they last several weeks. Should the applicant decide to revert back to previous methods, the food/bedding can be stored in the arena/storage area. The applicant in the Unilateral Agreement has agreed that the temporary storage of haylage bales and pallets of 'Easibed' (or any alternative) shall not be used as a permanent location for haylage bales or pallets of 'Easibed' and that the required bedding and foodstuff shall be stored permanently within the storage buildings to ensure that the flow of traffic around the car park is not obstructed.

Each class has a maximum of 10 places. Two part time instructors and two yard staff are to be employed if the development is approved. Policy E6 of the Harrogate District Local Plan refers to the extension of businesses and states that where an extension of an existing site is proposed that is outside of the development limit permission will normally be given so long as there is no significant adverse effect on the character or appearance of the rear or on residential amenity and where there are no overriding planning objections (traffic/environmental impact). The development will not protrude into the countryside and there are no objections from the highway authority.

The impact on the environment is not considered to be significant as the extension to the building to form a viewing gallery and schoolroom is between the storage building and the stable block and therefore would not encroach into the countryside or adversely affect the character and appearance of the landscape. Whilst the height of the development is 1.6m taller than that which was approved under application 6.124.218.F.FUL it is not considered that the impact on the surrounding area is worsened nor is it considered that enforcement action is appropriate because there is no significant harm. A condition requesting

landscaping details is recommended to ensure that the requirements stipulated in the decision notice 6.124.218.F.FUL are carried out.

The storage/indoor arena will retain the ability to store machinery and food/bedding when necessary and prevent the need for further storage to be required on site.

As Blind Lane is the sole vehicular access to Locksley Park and other residential and commercial properties it is acknowledged that unrestricted access is required. It is considered that the signing of a unilateral agreement which states that the parking spaces will be laid out before the prior to the indoor riding arena/storage building is put into use will allay fears that parking on Blind Lane will increase or continue.

Whilst it is alleged that the storage building is currently being used as an indoor riding arena, such activity will be required to cease once planning permission is granted and the Unilateral Agreement comes into affect.

CONCLUSION - The proposed development can be facilitated on the existing site without expanding into the countryside and the increase in the provision of on site parking should alleviate concerns by other residents and business owners on Blind Lane. Provided that the proposed development is carried out in accordance with the conditions imposed, the impact on the countryside and the amenities of the PROW and the nearby residential properties should be minimal. The submission of a unilateral agreement by the applicant indicates a willingness to change the method of operating her business to overcome the concerns of her neighbours.

It is therefore recommended that the development be approved as it is considered to accord with policies A1, E6, C16, C15, C2 and R11 of the Harrogate District Local Plan.

CASE OFFICER: Miss S Taylor

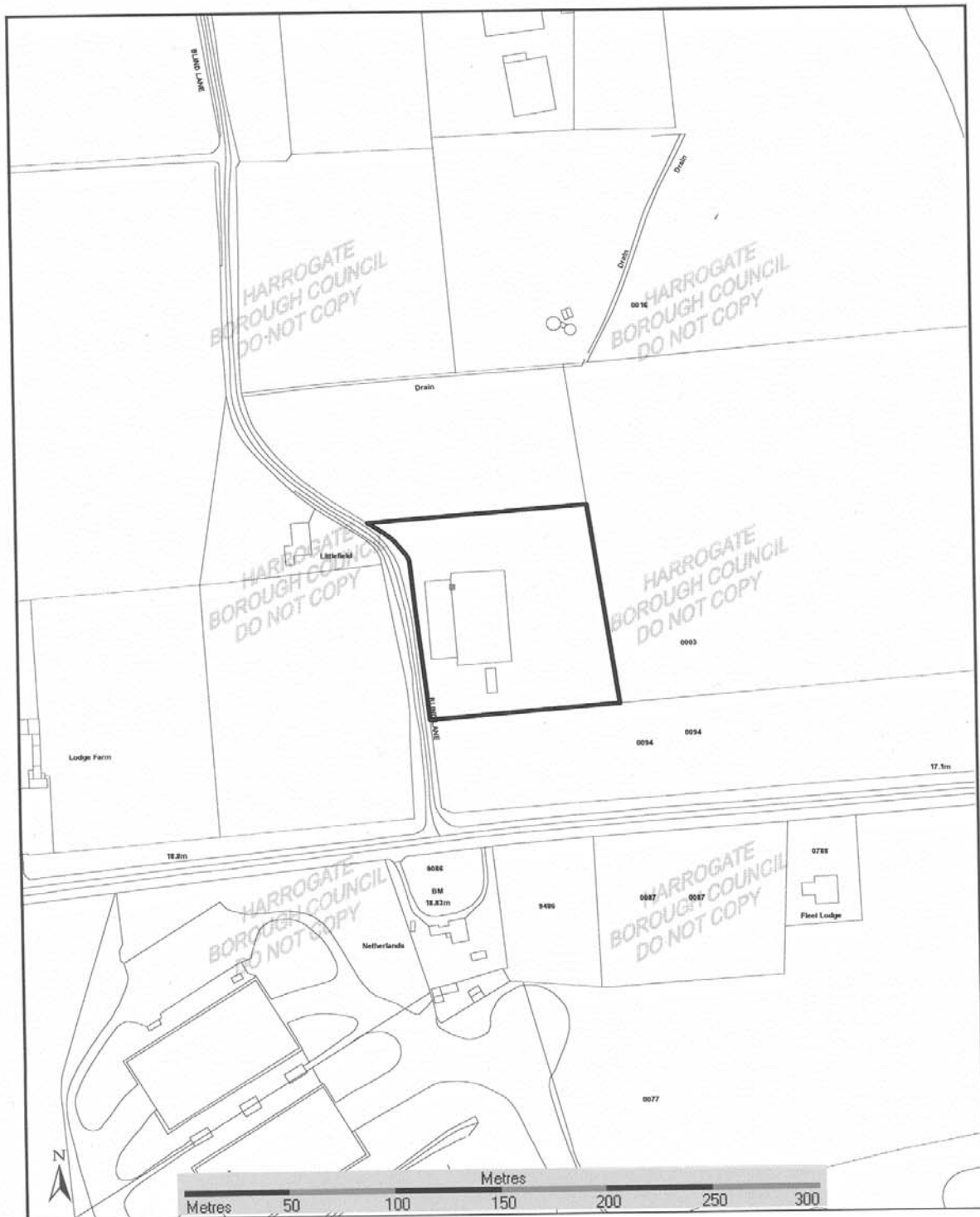
RECOMMENDATION

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

- 1 CA05 DEVELOPMENT SHALL BE BEGUN BEFORE
- 2 CC01 AMENDED DRAWINGS/LETTERS RECEIVED ... 6.11.2004 and 31.12.2004
- 3 CD03 SAMPLES OF MATERIALS TO BE APPROVED
- 4 CD15 NO FURTHER WINDOWS IN DEVELOPMENT
- 5 HW17 PROV'N OF APP'VD ACCESS/TURNING/PARKING ... Reference 03/15/02
- 6 CL02 LANDSCAPING: DETAILS TO BE APPROVED
- 7 CL04 REPLANTING IF ANY TREES/SHRUBS DIE
- 8 CD09 ASBESTOS COLOURING
- 9 CI08 NO OUTSIDE STORAGE
- 10 CB09 SOAKAWAYS
- 11 The use of the premises for shows shall be restricted to two parent days a year. No other open days or types of show/event shall take place without the prior written planning approval of the Local Planning Authority.

Reasons for Conditions:-

- 1 CA05R TO COMPLY WITH SECTIONS 91-94
- 2 CC01R ACCORDANCE WITH DRAWINGS
- 3 CD03R MATERIALS TO CONFORM TO AMENITY REQR'MTS
- 4 CD13R VISUAL AMENITY
- 5 HW17R ROAD SAFETY REQUIREMENTS
- 6 CL02R SAFEGUARD RIGHTS OF CONTROL/AMENITY
- 7 CL04R SAFEGUARD RIGHTS OF CONTROL/AMENITY
- 8 CD09R VISUAL AMENITY
- 9 CI08R GENERAL AMENITY
- 10 CB09R POLLUTION PREVENTION
- 11 To safeguard the amenities of the area.



Harrogate
BOROUGH COUNCIL

Department of Development Services

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Harrogate Borough Council 1000 19628 2005.

AREA 2 DC COMMITTEE

Item No. 1

App No./Case No. 6.124.218.G.FUL 03/05454/FUL

Scale (at A4 size)	1:2500	Site area	0.86 ha	Site boundary	<input type="checkbox"/>
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Drawn	MDTT	Date	19/07/2005
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