

**7 DCNE2003/2423/F - CONTINUED USE OF
LANDSCAPED MOUNTAIN BOARD CENTRE.
RETENTION OF CABIN FOR RECEPTION, SHOP,
TOILET BLOCK, HARDSTANDING, CAMP SITE AND
CAR PARK AT WOODEND FARM, BROMYARD ROAD,
CRADLEY, MALVERN, HEREFORDSHIRE, WR13 5JW**

For: Mr I Johnson of above address.

Date Received:
26th August 2003

Ward:
Frome

Grid Ref:
70166, 48695

Expiry Date:
21st October 2003

Local Member: Councillor R. Manning

Members will recall that this planning application was deferred from the November Northern Area Planning Sub-Committee to enable the applicant to justify further his case for a full planning permission rather than a temporary permission recommended.

The applicant has now submitted an extensive letter, the main justification for a full permission is as follows:

'The reason we need full planning permission is to obtain funding and grant assistance. You claimed in the meeting of the 12 November that no grants should be needed as the centre is established and as such no further expenditure should be required. Clearly much infrastructure remains inadequate. I would like to improve parking, install proper toilets and showers in the campsite, facilitate the disabled (buggy already being tested for paraplegics!). DEFRA has money available for promotion and I would like to set up a transport system to bring youngsters, who would otherwise lack the means, to Out To Grass. I would also like assistance with the cost of shrubs, trees and landscaping at the centre. Furthermore, BP will assist to further reduce the environmental impact of the centre by supplying equipment to use sustainable energy sources. AND MORE.

Please do not concern yourself with regard to and building works etc. I am well aware that further planning permission will need to be sought before any work of this kind is undertaken.

Once again I apologise for my late application. I am keen not to have you fighting against Out To Grass, it is very dear to my heart as are my team and the other lads and lasses who benefit so clearly from it.

If I can achieve the grants available I will make the centre better for the team, for the customers, for the council and for the Burdens.. I promise.'

Your officers are supportive of the proposal but are concerned that when there is a National Championship at the site it is suitably controlled in order to protect the amenity of nearby residents. Previous events have caused problems and a further temporary permission will enable condition 11 to be tested to ensure it is suitably robust. Provided it adequately

controls the events, and your officers are hopeful, a permanent permission, all things being equal could then be forthcoming next year. Although this means a delay of 12 months it would also enable your officers to work with the applicant to help secure the permanent permission if it proves appropriate to do so, and also discuss the future developments of the site.

ORIGINAL REPORT

1. Site Description and Proposal

- 1.1 Woodend Farm, Cradley is located on the western side of the B4220 Bromyard to Worcester Road, Ridgeway, Cradley.
- 1.2 Tom's Field in which this proposal is located is set to the north of the farm holding. It abutts the Bromyard Road to the east, Evesbatch Road to the north and open fields to the west and south. Lane Cottage is sited immediately to the north of the field across the Evesbatch Road. The field slopes down from east to west and contains a number of earth mounds and portacabins. A recently sited temporary skateboard ramp is located adjacent to the portacabin.
- 1.3 The proposal, which is retrospective, is to continue using the field as a mountain boarding centre with campsite together with retention of the portable building used as a reception, shop and toilet.
- 1.4 Mountain boarding is a combination of snowboarding and skateboarding. The boards on which the participant rides are similar in size to a snow board however they have wheels attached akin to a skateboard. The sport requires jumps within the runs to enable the 'boarder' to 'free-style' down the course. The only exception is the slalom run where like ski-ing the 'boarder' weaves in and out of poles. The field is laid to grass and the 'runs' are located across, generally running down the slope from east to west. With the exception of the slalom course all of the 'runs' have been made with earthworks creating the jumping platforms that are required for the sport.
- 1.5 Access to the site is off the existing farm entrance and then across an adjoining field. The reception area and car parking are located in the southern most part of the field in a natural hollow.
- 1.6 A previous temporary permission for use of the site as a mountain boarding centre expired on 13 February 2003.

2. Policies

PPG24 – Noise and Planning

PPG7 – The Countryside – Environmental Quality and Economic and Social Development

Hereford and Worcester County Structure Plan

A1 – Development in Agricultural Land

A2 – Diversification

LR1 – Leisure and Recreation Development

LR2 – Leisure and Recreation Development

CTC2 – Areas of Great Landscape Value

CTC9 – Development Requirements

Malvern Hills District Local Plan

Employment Policy 9 – Further Means of Rural Diversification

Landscape Policy 3 – Development in Areas of Great Landscape Value

Landscape Policy 4 – Agricultural Land

Landscape Policy 8 – Landscape Standards

Transport Policy 11 – Traffic Impact

Recreation Policy 3 – Recreation in Other Countryside Areas

Unitary Development Plan

S1 – Sustainable Developments

S2 – Development Requirements

S8 – Recreation, Sport and Tourism

E11 – Employment in the Countryside

E12 – Farm Diversification

RST1 – Criteria for Recreation, Sport and Tourism Development

3. Planning History

- 3.1 NE2001/0022/F - Change of use and landscaping works to create mountain boarding track, retention of reception shop, toilet block, hardstanding carpark and campsite - Refused 30 October 2001.
- 3.2 NE2002/0021/F - Change of use and landscaping to create mountain boarding tracks, retention of reception and shop - Temporary Permission 13 February 2002. Expired 13 February 2003.

4. Consultation SummaryStatutory Consultation

- 4.1 None required.

Internal Council Advice

- 4.2 Head of Environmental Health and Trading Standards raises concerns regarding the use of the site for organised events but not the day to day operation of the centre.
- 4.3 Head of Engineering and Transportation recommends conditions.
- 4.4 Community Youth Services Manager – supports the proposal.
- 4.5 Chief Conservation Officer raises no objections.

5. Representations

- 5.1 Cradley Parish Council support this application because of the creation of jobs for local persons and as a recreation amenity. We recommend to County Councillors they carry out a site visit.
- 5.2 Evesbatch Parish Council have no objection, but feel all conditions must be complied with.

- 5.3 CPRE comment - in our view this centre provides a valuable recreational facility and does not significantly detract from the landscape value. We therefore ask the Council to approve this application. Having recently attended a mountain board meeting we do however appreciate that noise is a factor. We suggest it should suffice if loud music were banned.
- 5.4 Ledbury and District Society Trust Ltd comment that they believe that the establishment concerned provides a valuable recreational facility for a wide area and caters for a large clientele. It would appear that objections to its future use concern the noise from the loudspeakers: this seems to us to be an inadequate reason for enforcing its closure. Surely some less drastic resolution to the perceived problem could be achieved. At a time when rural diversification and increased recreational use of the countryside is being encouraged, to close this enterprise would be a retrograde step.
- 5.5 75 letters of support have been received explaining the virtues/benefit of the centre together with a petition signed by over 600 people.
- 5.6 Four letters of objection have been received from:
- R. Vaughan, Woodend Cottage and Ridgeway Cottage, Cradley. (2 letters)
 - Mr. & Mrs. M.R. Burden, Lane Cottage, Hook Lane, Acton Beauchamp, Worcs.
 - S. & P. Diplock, Acton Green, Acton Beauchamp, Worcs.

The objectors have submitted extensive letters, one of which is appended, to ensure members have a full appreciation of their concerns. However, their main concerns are the adverse impact this activity has on their amenity and road safety.

1. The proposal still impacts upon the Human Rights Act 1998 - 'Everyone has the right to his private and family life, his home and correspondence' Protocol No. 1 Every natural or legal person is entitled to the peaceful enjoyment of his possessions.
2. Conditions have been attached previously to the temporary permission that were ignored.
3. The campsite could create security problems.
4. The massive earthworks undertaken are unsightly.
5. The applicant has stated in press reportings that 400 people have attended, this of course will have an impact on the narrow and dangerous B4220.
6. Use of tannoy or amplified music wholly unsuitable for the area and the tranquility of the countryside will be impacted upon.
7. Aspect of land changed from Area of Great Landscape Value to theme park arena.
8. Use of land vehicle to pick up passengers every day without break; too constant, too close and too noisy.
9. Tuesdays (his closed day) is sometimes open, and always has lawnmowers and vibrating rollers traversing the ground thereby causing more disturbance on the only prospective day of peace we have (although we are normally at work).
10. Any conditions applied carry no interest to the applicant. Contrary to his statement of 'facts' presented, he has continued to flout most of the conditions attached (noise, opening hours, earthworks, advertising); so setting more will not help.
11. We have no day at home with any peace. Why should every Sunday and most Bank Holidays be shattered by this?
12. If planning granted who, will enforce any conditions? Huge changes have occurred on the site since the last application passed and all without planning, we cannot be expected to 'watch over the site' and it would be unreasonable to expect environmental health to attend at any given time at short notice.

13. The history of the site cannot be ignored; this venture has been problematic from the outset. We feel that any conditions now applied would certainly be abused and it would be unreasonable of the Council to allow the site to continue when this clearly has had such a huge impact on our daily life.
 14. The granting of a Public Entertainment Licence, is not the solution.
 15. Continual droning on the plywood skateboard ramp, is not in keeping with the area.
 16. The proposal impacts upon an existing holiday letting business in the locality.
- 5.7 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 Mountain boarding is an activity which does not generally generate noise from equipment but does from the participants, spectators and amplified sound which is used when the centre holds a major event such as a National Championship. A temporary permission was previously granted to enable the premises to be monitored. During this trial period problems arose when major events were held with limited/no control over tannoy systems or number of events even though conditions prevented their use.
- 6.2 The main issues to consider are:
1. Landscape impact
 2. Access
 3. Impact on amenity of neighbours

1. Landscape Impact

The site is located on a hillside which has been manicured to create the 'runs'. These works have been assessed by the Chief Conservation Officer who considers that they are not injurious to the landscape. Previous runs have grassed over and when the recently formed 'runs' have been grassed they will also mellow into the landscape. The siting of the portacabin in the hollow and the camps-site behind means that the whole development does not have a detrimental impact upon the landscape.

2. Access

The Head of Engineering and Transportation is satisfied that subject to some improvement to the access that the proposal is acceptable. This will require the removal of the tree in the entrance which has been severely lopped and is not protected. He is also satisfied that the volume of traffic can be accommodated on what is a class II road.

3. Impact on amenity of residents

The Environmental Health and Trading Standards Officer has assessed the proposal and considers that the revised track layout with the most northern run, adjacent to Hook Cottage, now closed, is an improvement and will reduce to some degree any disturbance caused. He does confirm that repeated complaints have been received and the applicant is subject to an abatement notice in respect of a statutory noise nuisance served under the provisions of the Environmental Protection Act 1990 restricting the use of amplified music. However, this nuisance again surrounds the

large organised events held by the centre. The day-to-day operation of the centre is not considered to be a nuisance. Accordingly, the Environmental Health and Trading Standards Officer recommends conditions regarding the use of loudspeakers, amplified music, lighting, time constraints and no motorised vehicles. Therefore provided suitable controls can be imposed to control the major events the use of the centre is considered to comply with Planning Policies.

- 6.3 The use of the land for this activity conforms to the rural diversification policies contained in PPG7 together with the Hereford and Worcester County Structure Plan, Malvern Hills District Local Plan and the Herefordshire Unitary Development Plan. The manicuring of the land to create the 'runs' is not considered to be injurious to the landscape.
- 6.4 Circular 11/95 makes it clear that trial runs (Para 111) can be used for uses which may be 'potentially detrimental' to existing uses nearby. Experience to date is that the day-to-day operation of the centre is acceptable and that the problems arise when the centre holds a major event. Therefore to control the main events it is considered that the applicant should inform the local planning authority a minimum of 3 months prior to the events taking place with full details of the proposed activity including the position and use of any tannoy system and location of any overflow car parking. Due to complaints that have been received when this type of event is held it is considered that only one event in a 12-month cycle held for no more than 2 days is appropriate. Finally, to ensure that the condition operates effectively it is recommended that a condition be added to any permission making it temporary for 12 months. This would comply with the principle of applying temporary permission as outlined in Cir 11/95. Although this is a second trial period not normally required after a temporary permission has previously been granted it is considered wholly appropriate given that the Local Planning Authority will need to be satisfied that the controlling condition for the major event works effectively.
- 6.5 Accordingly, taking into account the representation received, the proposal is considered to comply with the development plan subject to adherence to the recommended conditions.
- 6.6 Regarding the Human Rights issues raised it is considered that subject to adherence to the recommended conditions the human rights of the complainant have not been impacted upon by this proposal.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - This permission shall expire on 28 January 2005. Unless further permission is granted in writing by the local planning authority prior to the end of that period, the use hereby approved shall permanently cease.**

Reason: To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired and consider any intensification in the use.

- 2 - Notwithstanding the submitted plans no amplified sound or music shall be used at anytime in conjunction with the use of the land unless otherwise agreed by the local planning in accordance with condition number 11.**

Reason: In the interests of the amenities of existing residential property in the locality.

- 3 - There shall be no floodlighting of the site at anytime.

Reason: In the interests of the amenities of existing residential property in the locality.

- 4 - No marquees or tents shall be erected on the land without the express permission of the local planning authority other than on the identified camp site unless otherwise agreed in writing with the local planning authority in accordance with condition number 11.

Reason: In the interests of the amenities of existing residential property in the locality.

- 5 - Within one month of the date of this permission a traffic route shall be agreed with the local planning authority. Vehicular traffic generated by this use shall be directed to the agreed route which shall be via the Bromyard/Cradley road.

Reason: In the interests of the amenities of existing residential property in the locality.

- 6 - The use hereby permitted shall not be open to customers between the hours of 8 pm and 9 am daily.

Reason: In the interests of the amenities of existing residential property in the locality.

- 7- No equipment, earthworks, hoardings or advertisements shall be erected/constructed on the application site without the prior written approval of the local planning authority.

Reason: In the interests of visual amenity and to protect the character and appearance of this open countryside location.

- 8 - No materials including soil shall be imported into the site for use in connection with the development hereby permitted.

Reason: In the interests of visual amenity.

- 9 - This permission only relates to the use of 'mountain boards' on the course hereby approved, no motorised sports equipment, with the exception of the lift truck, shall be used on the course at any time.

Reason: In the interests of local amenity.

- 10 - No new 'runs' shall be formed without the express written consent of the local planning authority details of which shall be submitted for approval in writing of the local planning authority.

Reason: In order to clarify the terms of this permission and to protect the amenity of adjoining residents.

- 11 - Only one National Championship event in a 12 month cycle shall be held on the site. Full details of which shall be submitted for approval in writing of the local planning authority a minimum of 3 months prior to the event taking place. These details shall include the length of the event (maximum of 2 days), position of public address/tannoy system, noise levels, time periods, overflow parking, temporary structures, marquees etc.

Reason: In order to protect the amenity of nearby residents.

- 12 - H13 – Access.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

Note to applicant:

- 1 - The decision to grant planning permission has been taken having regard to the policies and proposals in the Hereford and Worcester County Structure Plan and Malvern Hills District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Hereford and Worcester County Structure Plan

- A1 - Development in Agricultural Land
- A2 - Diversification
- LR1 - Leisure and Recreation Development
- LR2 - Leisure and Recreation Development
- CTC2 - Areas of Great Landscape Value
- CTC9 - Development Requirements

Malvern Hills District Local Plan

- Employment Policy 9 - Further Means of Rural Diversification
- Landscape Policy 3 - Development in Areas of Great Landscape Value
- Landscape Policy 4 - Agricultural Land
- Landscape Policy 8 - Landscape Standards
- Transport Policy 11 - Traffic Impact
- Recreation Policy 3 - Recreation in Other Countryside Areas

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.