

MEETING:	PLANNING COMMITTEE
DATE:	24 FEBRUARY 2010
TITLE OF REPORT:	DCNE0009/1639/F - PROPOSED WARM UP MÉNAGE, EXTEND EXISTING MÉNAGE AND NEW SITE OFFICE/PUBLIC ADDRESS SYSTEM AT TACK FARM EQUESTRIAN CENTRE, ULLINGSWICK, HEREFORD, HR1 3JQ For: Mr & Mrs Pedro Per Mr D Jerrison, 163 Hall Green Road, West Bromwich, West Midlands, B71 2DZ

Date Received: 17 July 2009

Ward: Frome Grid Ref: 359789,249390

Expiry Date: 11 September 2009

Local Member: Councillor PM Morgan,

Introduction

At its meeting on 18 November 2009, the Northern Area Planning Sub-Committee deferred determination of this application. Members were seeking an acoustic assessment of the public address system, more information of the number of events, comment upon the road system difficulties and comment upon criticism that the plans of the parking were inaccurate.

The following response was received from the applicants' agent.

"The public address system as indicated on the drawing and referred to in the "Design and Access" statement, is the existing system reused but located in a new office and sited at 90deg to its existing position, on the north side of the ménage.
The existing office is used as a café.

It is not and never has been, the intention to install a new public address system, merely to reuse the existing, (for which planning permission exists), in a new location and in a new office.

Whilst I agree that the wording on the application may be confusing, and I apologise for this, it was not a deliberate intention to mislead, in fact I understand that you met the client during your site visit, who made it perfectly clear what the intentions were.

For the above reasons we find it unnecessary to employ the services of an acoustic engineer.

With regard to the difficulties experienced in the lanes, may I respectfully point out that it was the previous owner of Tack Farm who applied for, and was granted permission, to turn Tack Farm into an Equestrian Centre, and as I have said in the "Design and Access" statement, there is no intention to increase the number of events taking place or to increase the number of vehicles entering and leaving Tack Farm on event days.

Again it is not my client's intention to increase the number of events, merely to improve the conditions for the existing events.

I am not sure what buildings other than what is shown on drawing 793/03 that there are, my client tells me that what is shown is correct.

With regard to the parking, I am informed by the client that vehicles usually park on the stoned area immediately outside of the farmhouse and then walk to the ménage, any overflow of vehicles park on the grass area surrounding the hard standing.

In conclusion, I would suggest that my client is merely seeking permission to increase the existing holding area to form a "warm up" area to comply with the standards of the BHS and BSJA.

The client also wishes to relocate the existing public address system into a new office in a new location.

Should you require further clarification, please do not hesitate to contact me."

In terms of Members questions this response appears not to provide any new information merely reiterating previous submission. Nevertheless the recommendation remains for approval.

The original report to that sub-committee follows:-

1. Site Description and Proposal

- 1.1 Tack Farm lies to the south of the C1118 approximately 6 miles south west of Bromyard. It lies within an undulating pastoral landscape with large open fields demarcated by mature hedgerows.
- 1.2 The proposal is to extend the existing ménage area used for show jumping by 22.5m, and to create a new warm up area adjacent to this, measuring approximately 63.6m x 29.5m. These would be fenced with post and rail fencing. The new site office and PA system is already in place at the north end of the ménage.

2. Policies

2.1 Herefordshire Unitary Development Plan

S1	-	Sustainable development
S2	-	Development requirements
S8	-	Recreation, sport and tourism
DR1	-	Design
DR4	-	Environment
LA2	-	Landscape character and areas least resilient to change
RST1	-	Criteria for recreation, sport and tourism development

3. Planning History

- | | |
|-------------|--|
| NE08/1244/F | Retrospective application for creation of surfaced show jumping area and change of use of saddlery to dormitory. Approved July 2008. |
| NE05/2774/F | Erection of cross country jumps to include additional use of land. Approved October 2005. |
| NE04/4231/F | As above – withdrawn April 2005. |

NC03/3755/F Upgrade of access track to a stone surface. Approved March 2004.

NC01/2391/F Conversion of existing farm buildings to formation of schooling area, 40m x 20m. Approved November 2001.

4. Consultation Summary

Statutory Consultees

4.1 None

Internal Council Advice

4.2 Environmental Health and Trading Standards – No objection to proposed development. I understand that the existing public address system is being moved so as to reduce any nuisance to neighbours. The PA system is of very low power and does not need to be used at any great volume as the events attract quite a small audience and no one needs to be any great distance from the speaker. I do not consider that there is sufficient justification for any conditions limiting the noise from the system, except possibly that “the prior consent of the LPA should be sought before replacing the PA system”. This would give us the opportunity to ensure that the system is not upgraded to something more powerful.

In any case, any complaints can be investigated with a view to enforcement action as a statutory nuisance (Environmental Protection Act 1990).

There have been no complaints since the original planning approval.

4.3 Transportation Manager- No objection, but would have concerns about any intensification which would increase the volume of traffic and/or the frequency of events at this location. If this were to be the case advise submission of Transport Assessment to consider this in further detail. Hedges should be trimmed back to improve visibility and surface bound to prevent gravel and loose material being displaced onto the highway.

5. Representations

5.1 Much Cowarne Group Parish Council comment:

“Tack Farm is in Moreton Jeffries which is part of the Much Cowarne Group Parish Council.

We commend Mr and Mrs Pedro who are trying to build up a successful business and we do not object to the construction of the proposed ménages.

However, we believe the proposed additions in the planning application will attract more customers to Tack Farm and we are concerned about the impact this may have on their neighbours.

At present there are problems with traffic attending events and noise from the existing public address system.

The majority of the surrounding lanes are ‘single track’ with limited passing places. Mrs Pedro has previously suggested a voluntary ‘one way’ system for her customers using the site, but this has not happened. In reality we think a voluntary system is unlikely to ever succeed.

If this application is passed we believe there should be a condition that more passing places are constructed on the lanes. This should not only help local traffic, but will also allow horseboxes and trailers to pass as they come and go from sequential events.

The present public address system is very intrusive to neighbours. The address system is used at events which tend to coincide with when neighbours are having their leisure time. The public address system has only two speakers which are mounted high. The commentary not only disturbs immediate neighbours but can also be heard word for word at Moreton Jeffries about 1 mile away. We wonder if more lower wattage speakers mounted at ground level would reduce the sound travelling. Just measuring the decibels is useless in this case.

If this application is passed we believe there should be a condition that before any public address system is used there should be a professional assessment by sound engineers to minimise the noise on Tack Farm's neighbours.

In summary we do not object to this application if steps are taken to ease the impact on Tack Farm's neighbours. They have suffered with little complaining, but this application has brought things to a head. The thought of an unacceptable situation made worse cannot be allowed to happen. Hereford Council needs to consider the effect of this noise onslaught on an otherwise sleepy hollow tranquil location which some people have carefully chosen to live in, paid a lot of money for their properties and probably many now wish they had not!

We understand that if this is not resolved some of the locals are talking of forming a group to go to Court."

5.2 Ocle Pychard Parish Council comment:

“Background

In view of the significant local disquiet and a history of disruption and complaint resulting from activities at Tack Farm, a public meeting was held on Friday August 28 to enable councillors to measure local opinion and to facilitate an exchange of understanding between the applicant and the local community.

The meeting was attended by Parish Councillors, the applicant, and in excess of 30 local residents and the application was discussed at great length. It was made plain by residents that they had no objections to the Equestrian Centre itself, or to the physical location of the new menage, and they accepted that if too many restrictions were placed on the business there was a possibility that it might fail. Nonetheless it soon became apparent, as at previous discussions, that the lives of many Villagers are being seriously affected by noise and light pollution, and by serious traffic congestion.

The Parish Council fully supports those Villagers and would ask that the whole of Herefordshire Council does everything it can to improve their quality of life.

The principle issues of concern were as follows:

Application errors:

The application itself is inaccurate in as much as there are errors relating to the description of the site, there are errors as to the number of parking spaces and vehicles using the site, there are errors as to the number of pre-existing and new buildings and their locations, and there is no provision for the removal of the inevitable waste products that will follow from the new and extended ménages.

The applicant has applied for permission to install a new PA system, but stated at the public meeting that this was not her intention and that she actually wanted to improve the existing arrangements.

The feeling of those who attended the meeting was that this particular application should be withdrawn, and that a more accurate submission should follow in due course.

The New PA System:

As regards the proposal for a PA system, past experience has demonstrated that the local environment will not sustain the use of the current system without significant intrusion of noise into the surrounding area. This severely compromises the amenity of immediate neighbours and, due to the local topography, to people living within a distance of more than a mile radius under certain conditions. This is unacceptable, particularly as its use is primarily at weekends when personal amenity is at optimal value. This has been the subject of various complaints to the owners, the Parish Council and the Environmental Health department. Environmental tests have been carried out in response to earlier complaints, however these only measured noise levels in the immediate vicinity. The problem is associated primarily with those dwellings above the level of the site, and thus affects the majority of local homes.

It was suggested that the noise problem could be addressed by having an acoustic specialist visit the site and make appropriate recommendations as to the numbers and locations of loudspeakers being used. The applicant has agreed to have such a review carried out, and the Parish Council feels that this should be made a pre-requisite of any permissions that might be granted. It is understood that similar difficulties arose at the Three Counties Show at Malvern, and that they were solved once a sound engineer had been called in to assist.

Traffic Matters:

The excess traffic experienced as a consequence of past planning approval far exceeds anticipated volumes. The road, which is also used by agricultural vehicles, is frequently blocked by horse transports which are often unable to reverse, and is an impediment to domestic and rural activities as well as emergency services. This is costly to the Council as the frequent refurbishment of ditches and culverts is becoming more and more necessary. As an indication of the problems faced by residents it should be noted that a recent refurbishment and placement of bollards was damaged by a farm vehicle within twenty four hours of completion. The additional ménage will facilitate an increase in activity and consequent road congestion. Emergency vehicles have already been compromised in access due to traffic problems. In addition, recent use of paramedics and the air ambulance has increased, following several incidents on Tack Farm.

The road through Ullingswick from the A417 on one side, and the A465 on the other, is not wide enough for two-way traffic when the vehicles concerned are 4 x 4s or horse boxes and trailers or agricultural vehicles. It has long been suggested that event traffic should be operated on a one way system to eliminate the problems that arise when events are being held. It is understood that the need for such a system has been accepted by the applicant but she has failed to gain compliance from site visitors.

It is inconsistent for the Unitary Development Plan to determine that Ullingswick has insufficient infrastructure to be suitable for housing development and then to allow significant expansion of a business development like Tack Farm, which creates similar demands without addressing the environmental and human issues.

Waste Disposal:

The proposal makes no provision for additional waste disposal and yet the disposal of waste from Tack Farm has been a major issue and has been the subject of repeated calls from the Parish Council to the District Council

Visual Considerations:

The visual aspect of the development is a lesser issue but also of concern. The ménage and buildings are visible beyond the environs of Tack Farm. This is contrary to the

recommendations of the former environmental report in respect of planning application ref: DCNE2005/2774/F. The issue of light extrusion from the permitted ménage and training are arc lights is intrusive to dwellings in the vicinity. Herefordshire Council having endorsed our Village Plan, will be aware of the expressed desire to promote Ullingswick Village as an area of natural beauty. This has been the subject of discussion in the progressive development of the plan, notwithstanding that part of the village is already designated as a conservation area.

As stated above, the view of those attending the public meeting and the views of the wider community are endorsed by the Parish Council. It is strongly felt that given the extensive level of development permitted in recent years this must now be the subject of control and the intrusion into the living and amenity of the public in general is unacceptable and must be addressed with appropriate controls on noise and traffic. Such action can be taken without compromise to the current business activity of Tack Farm, and would be of significant benefit to the local community in restoring their amenity.”

5.3 Objections have been received from the following residents of Ullingswick,

Mr Alastair J. Telford, Dip.Arch.(Birm.)ARIAS, Blest Acre, Ullingswick, Herefordshire HR1 3JQ
Mrs S Dalton, Upper Court, Ullingswick, Hereford HR1 3JQ
Mr and Mrs Wilson, The Old Rectory, Ullingswick HR1 3JQ
Mr and Mrs Spencer, Dora Cottage, Ullingswick, Herefordshire HR1 3JQ
Mr and Mrs ER White, Lower Court, Ullingswick, Herefordshire, HR1 3JQ
Mrs JM Bridges, Townsend House, Ullingswick, Herefordshire HR1 3JQ
Dr AK Barlow, Hill View, Ullingswick, Herefordshire HR1 3JQ
Mr NG Stevens, Fair View, Ullingswick, Herefordshire HR1 3JQ
Dr J Stevens, Fairview, Ullingswick, Herefordshire HR1 3JQ
Mr and Mrs D Bedwell, Greencroft, Ullingswick, HR1 3JQ

The objections are summarised as follows;

1. The proposal represents over development in terms of the impact upon the local highway network. The combination of larger vehicles/trailers on narrow roads with limited passing places has increased the risk of accidents and lead to damage of both the verges and ditches.
2. The public address, particularly at weekends and bank holidays is detrimental to the amenity of local residents. It is considered that the requirement of condition 4 of the previous permission NE08/1244/F has been breached. The present system is intrusive and can be heard up to a mile away.
3. The need to extend the facilities to meet British Show Jumping Association requirements suggests events will differ from now, attracting more visitors. There are currently 8/10 events per month and whilst the numbers of vehicles attending each one may not increase, the number of events may.
4. There has been an increase in parking provision over a number of applications.
5. Critical of answers/comments in application form and Design/Access statement.
6. Light pollution.
7. There is retrospective development not applied for.
8. Waste disposal problems.

5.4 The Design/Access statement advises that the application is required to meet British Show Jumping Association health and safety requirements and minimum standards. The new PA

system/office is located on the north end of the arena facing speakers away from the nearest neighbours. The maximum number of vehicles at any given time will be 35, made up of private cars and horse boxes.

5.5 The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

6. Officer's Appraisal

6.1 There appear to be three main issues for consideration in this case, the traffic issue, noise issue and landscape impact.

6.2 The application is for the extension of facilities to comply with minimum standard requirements of the British Show Jumping Association. There is no intention to increase the frequency of events nor the nature of the events. Notwithstanding that, there is currently no limit on these. Whilst the transportation manager would be concerned, as would many local residents, if traffic volumes increased, this application in itself would not necessarily result in this.

6.3 The office building has already been positioned at the north end of the jumping area and the PA system is in place. Although the description of development includes the PA system, it does not amount to development and does not therefore require planning permission. Control of this, should nuisance occur, would be via the Environmental Protection Act 1990. The Environmental Health Officer has no objection to the proposal.

6.4 In landscape terms the additional coverage with riding areas does not have a materially different impact such that it is considered to be contrary to policy LA2.

6.5 Given the general support for equine development contained within PPS7, the criteria in policy RST1 and the lack of restriction on number of events, the proposal is considered to comply with relevant policies and is therefore recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 A01 Time limit for commencement (full permission)**

INFORMATIVES:

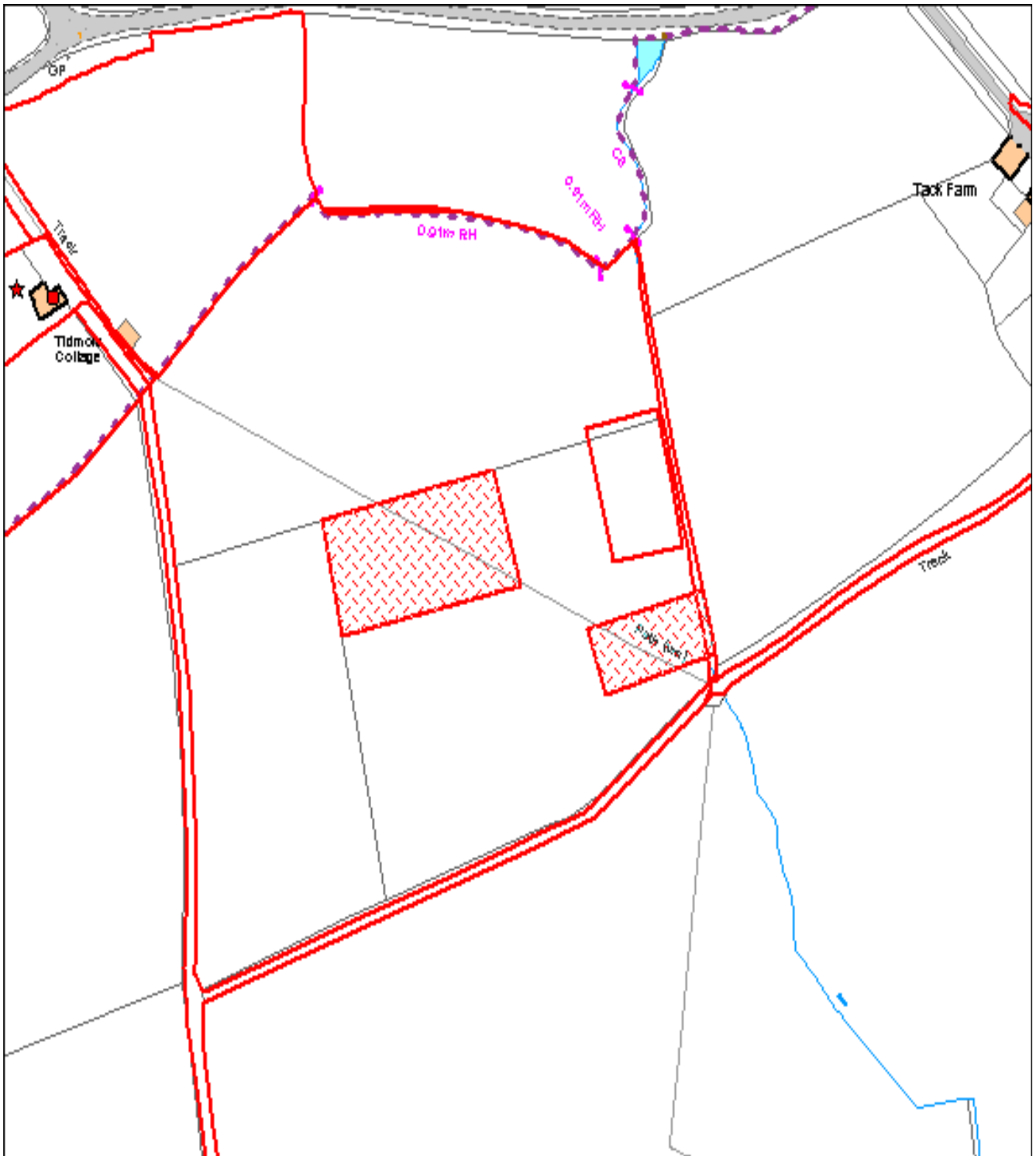
- 1 The applicants are advised to operate the on-site PA system in such a manner as to avoid a statutory nuisance to occupiers of nearby residential properties. Failure to do so could lead to action under the Environmental protection Act 1990. Similarly any proposal to change the system should be discussed with an Environmental Health Officer beforehand to avoid such occurrence.**
- 2 N15 Reason(s) for the Grant of Planning Permission**
- 3 N19 Avoidance of doubt - Approved Plans**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION : DCNE0009/1639/F

SITE ADDRESS : TACK FARM EQUESTRIAN CENTRE, ULLINGSWICK, HEREFORDSHIRE HR1 3JQ

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