

**6 DCNC2004/2250/F - QUAD BIKING TRACK AND
PAINTBALLING AREA AT BODENHAM MANOR,
BODENHAM, HEREFORD, HR1 3JS****For: Mr P Williams per Hook Mason, 11 Castle Street,
Hereford, HR1 2NL****Date Received:****21st June 2004****Ward:****Hampton Court****Grid Ref:****52691, 51462****Expiry Date:****16th August 2004**

Local Member: Councillor K Grumbley

Introduction

This application was deferred at the last meeting of the Sub-Committee for a site visit.

1. Site Description and Proposal

- 1.1 Bodenham Manor is located on the north side of the C1121, in open countryside designated as being of Great Landscape Value and in the Bodenham Conservation Area.
- 1.2 This is a retrospective application for a quad biking track, and paintballing area which is enclosed by green netting and in woodland just to the rear of Bodenham Manor.

2. Policies**Leominster District Local Plan**

A1 – Managing the District's Assets and Resources
A9 – Safeguarding the rural landscape
A10 – Trees and woodland
A21 – Development with Conservation Areas
A38 – Rural Tourism and Recreational Activities
A54 – Protection of Residential Amenity

Hereford and Worcester County Structure Plan

CTC2 – Development in Areas of Great Landscape Value
CTC7 – Development and Features of Historic and Architectural Importance
CTC9 – Development Criteria

Herefordshire Unitary Development Plan (Revised Deposit Draft)

LA2 – Landscape Character and Areas Least Resilient to Change
HBA6 – New Development within Conservation Areas
RST1 – Criteria for Recreation, Sport and Tourism Development

PPS1 – Delivering Sustainable Development
PPG15 – Planning and the Historic Environment
PPG17 – Sport and Recreation

3. Planning History

None relevant.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager - No objection.

4.3 Conservation Manager - No in principle objection.

4.4 Head Environmental Health and Trading Standards - No objection.

4.5 Public Rights of Way Officer - No objection.

4.6 Landscape Officer - No in principle objection.

5. Representations

5.1 Bodenham Parish Council strongly object to this application as it considers the nature of the activities proposed to be totally inappropriate in such a sensitive area. This view is fully endorsed by various national and local designations (Area of Great Landscape Value, Conservation Area, SSSI and SWS) covering the site and adjacent areas. It is also in direct conflict with development plan policies designed to protect such sensitive areas from adverse impact of just this type of proposal. It is felt that activities have a damaging effect on resident fauna and on the quiet enjoyment of visitors to Bodenham Lake's Nature Reserve by reason of noise and disturbance.

5.2 Nine letters of objection have been received from local residents.

a) The activities have been and continue to be a source of offensive language, noise and disturbance.

b) This is an inappropriate activity to this residential neighbourhood and Conservation Area, it is on the top of a hill

c) Paint balling sounds like constant gun fire.

d) intolerable noise nuisance

e) The activities operate 7 days a week and therefore no respite from constant noise.

- f) Trees have appeared to have been removed contrary to Policy A10
- g) Why does Bodenham require another paint balling venue when one was already within the Parish?
- h) Increased traffic through the village has caused problems with speed and minor collisions.
- i) The proposal does not provide stimulation or employment for the local people.
- j) No regard has been given to local people. No generation of wealth for the local economy
- k) The location of the venue makes it extremely difficult for emergency services to access (Air Ambulance)

5.3 The applicant has said:

- a) This application seeks to formalise leisure uses on the site to include both quad biking and paint balling activities.
- b) The quad biking track has been laid out to use with straw bales and is surrounded by mature trees providing both privacy and sound attenuation to the surrounding area.
- c) The quad biking consists of groups of a group of 10 bikes at any one time driving around the track and is supervised by three instructors. Competative racing is not undertaken. The bikes are between 90-125cc and service and storage will be carried out in a building to the east of Bodenham Manor.
- d) The paint balling activities are held in the area to the north of Bodenham Manor as shown on the submitted plan and is secluded being within a densely wooded area. Between 8 - 25 persons may be involved with the paint balling activity at any time depending on the group requirements.
- e) Both activities are aimed at corporate or family clients using Bodenham Manor are intended to be used during daylight hours only.
- f) As you are aware from previous correspondence with your officers we have shown that the quad biking is undertaken on site for many years and a track established itself approximately in 1990 when a previous company ran courses at the site.

5.4 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 This application has been submitted following complaint to and investigation by the Enforcement Officer, that the grounds of Bodenham Manor are being used for both quad biking and paint balling activities without the benefit of planning permission.

- 6.2 The determining factor in this application is a nuisance to neighbours from noise arising from the activities. The Environmental Health Officers have visited the site on numerous occasions to monitor the uses from outside the grounds of Bodenham Manor to assess the harm to neighbours, and concludes they do not cause significant nuisance to residential amenity.
- 6.3 In so far as its visual impact on the locality is concerned, the Landscape Officer advises the uses which are self contained within a woodland just to the rear of Bodenham Manor do not harm the acknowledged visual qualities of the area.
- 6.4 In exercising its development control function within Conservation Areas, the Council must give special attention to the desirability of preserving or enhancing the character or appearance of the area. In terms of its impact on the Conservation Area the Conservation Manager acknowledges the site forms an attractive backdrop to the village, and raises no in principle objection to the continued use of Bodenham Manor for quad biking, and paint balling.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. **The uses hereby permitted shall be restricted to those areas shown on the amended plan received and date stamped 22 September 2004.**
Reason: In order to define the permission.
- 2. **E03 – Restrictions of opening hours (6.00 pm and 10.00 am)**
Reason: In the interests of the amenities of existing residential property in the locality.
- 3. **G10 – Retention of trees**
Reason: In order to preserve the character and amenities of the area.

Informatives

1 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.