

P/13/1054/FP

MS ROSALIND SNOWDEN

WARSASH

AGENT: MS ROSALIND
SNOWDEN

PROVISION OF STORAGE CONTAINER, PORTABLE TOILET AND SMALL RIDING
ESTABLISHMENT

LAND AT HOOK PARK ROAD WARSASH SO31 9HE

Report By

Mark Wyatt - x2412

Introduction

This application was previously considered by the Planning Committee at its meeting of 26th February. Members resolved to defer the application to allow for the submission of and consideration of a site access plan to detail exactly how the students will arrive at the site, together with written confirmation that the applicant has permission for use of the Nook and Cranny Car Park as a drop off point.

The applicant has since provided the following information:

LETTER FROM THE APPLICANT DATED 07/03/14:

- Contrary to the advice given to the Committee recently TLC for Horses has been running at Hook Park Road for 15 years and the applicant has been a tenant in the paddock in question for around 20 years.
- The container will be green and is for the secure storage of tack, feed and first aid equipment. It could be removed, or retained throughout the year resulting in fewer vehicle movements and allowing foliage to grow around it.
- The toilet is removed out of season for hygiene reasons.
- The horses are moved to different paddocks at certain times of the year to ensure the best grazing for them. This means that the riding school only operates at Hook Park Road between January and July. During the other months the enterprise operates from another site
- the opening hours are:
 - * Tuesday and Thursday, 4pm - 6pm (light permitting)
 - * Saturday, 9am - 3pm
 - * Monday - Friday during school holidays, 9am- 3pm
- The activities include teaching children the principles of horse care and field management as well as riding. There are a maximum of 20 customers during the day and a maximum of 6 in the evening sessions. There are aspirations to raise these numbers
- TLC for Horses is fully licensed and insured. Outside the above hours there are workers who assist in the care of horses
- The applicant requests that all parents park locally in Church Road, Cowes Lane or the Nook and Cranny Car Park. This is something that has been practised for a number of

years and included are a number of pledges from parents confirming this to be the case.

- New customers are asked to park and walk so as to not add to vehicles on the road.
- The Nook and Cranny Restaurant is not open on a Saturday daytime and the owners have sent their written permission for customers to use the car park.
- also enclosed with the letter are testimonials from parents. These give support for the business.

LETTER FROM THE NOOK AND CRANNY RESTAURANT DATED 04/03/2014:

- We have always supported TLC for horses and they have always parked in the restaurant car park as we do not open during the day.
- it was a sad time when the applicant had to leave Hook. The children were well mannered and respectful.
- The applicant and her helpers are doing a great job and must have been doing so for over 12 years.

The applicant has since, expressed verbally to the Case Officer, that the restaurant car park has not actually been used by parents for the last two and half years.

LIST OF NAMES AND SIGNATURES OF PARENTS:

- detailing that they are happy to park and walk to the site.
- confirmation that the parking locations are Cowes Lane, Church Road and the Nook and Cranny Restaurant.
- there are a total of 30 names on the list

12 TESTIMONIAL LETTERS TO THE APPLICANT'S ENTERPRISE.

- within these letters 10 refer to the acceptance of parking and walking as a means of access to the riding school.
- the last two letters are from head teachers of Fairways School and Haselworth Primary School who have recently used TLC for horses.

Site Description

The application site is, for the purposes of planning policy, in the countryside. The proposals map of the Local Plan Review also locates the site within the Meon Strategic Gap. The site itself is principally laid to grass with a post and rail fence defining a menage within the field. The field is bounded on three sides by native vegetation and earth bunds, to the east the field shares a fence with the adjacent field. The site is generally flat with no significant change in levels. There are views of the site from Hook Park Cottages situated on higher ground to the south of the site.

Description of Proposal

Planning permission is sought for the provision of a storage container, portable toilet and a small riding establishment.

Policies

The following policies apply to this application:
The National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Fareham Borough Local Plan Review

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS5 - Transport Strategy and Infrastructure

CS14 - Development Outside Settlements

CS17 - High Quality Design

CS22 - Development in Strategic Gaps

Fareham Borough Local Plan Review

DG4 - Site Characteristics

Representations

There have been 24 objections to the proposal which can be summarised under the following headings;

1)Landscape impact:

The container and portable toilet would be an eyesore;
The proposal not in keeping with the rural environment;
The site is prone to flooding;
Obstruction to access of a public footpath running through the site;
Loss of agricultural land.

2)Environmental impact:

The proposal would disturb native protected reptiles ,birds & mammals habitats;
The site is a sensitive area of biodiversity and the proposal would be damaging to the biodiversity;
Access to the site would potentially cause damage to ancient hedgerows;
Noise and disturbance to local residents; the site has been in use from dawn to dusk seven days a week in previous years.

3)Highways:

Lack of parking;
Hook Park Road is unsuitable for heavy vehicular traffic, the road is potholed and a single track lane;
Highway obstruction and congestion created by persons visiting the site would impact on the amenities of local residents;
Potential for accidents from the additional vehicular traffic.

4)Other material considerations:

The site does not conform with the Riding Establishment acts 1964-1970.

There have been fourteen letters of support.

The thrust of the support is that the grazing and riding of horses has taken place by the applicant in the area for over 20 years and that 'TLC' provides a valuable community activity

for young people who are respectful of the area. It is a charity looking after abandoned horses who are well cared for. It is also contended that the children are dropped off at suitable locations and approach the site on foot.

Consultations

Director of Planning and Environment (Highways) - No objection subject to planning conditions

Director of Regulatory and Democratic Services (Environmental Health) - No objection.

Director of Regulatory and Democratic Services (Pollution) - No objection.

Director of Planning and Environment (Ecology) - No Objection.

Planning Considerations - Key Issues

The main planning considerations are:

- 1) Principle of development
- 2) Landscape impact
- 3) Environmental impact
- 4) Highways
- 5) Other material considerations

Principle of development

The site is, for the purposes of planning policy, within the countryside. The site is not allocated for development in the currently saved policies of the Borough Local Plan Review or Core Strategy policies. Policy CS14 of the Fareham Borough Core Strategy seeks to restrict development in the countryside unless it has been demonstrated there is an essential need for the development, such as being essential to agriculture, or if it is a type of development appropriate for a countryside location. The applicant seeks permission for a small secure container and a portable toilet to enable local children to receive riding tuition at the site. Paragraph 5.146 of the small text of Policy CS14 supports countryside recreation. Officers are of the opinion that horse riding is appropriate in a countryside location and the principle of development is acceptable subject to consideration of the impacts below.

Landscape Impact

Policy CS22 of the Fareham Borough Core Strategy seeks to protect the Strategic Gaps within the Borough from inappropriate development that would affect "the integrity of the gap and physical and visual separation of settlements". The development proposed would in the opinion of officers not diminish the Strategic Gap. The siting of the container and portable toilet in the southeast corner of the field would give limited views of the development from outside of the site. The site is prone to seasonal winter flooding; this year it has been particularly severe, however the applicant only seeks permission to use the site in the drier months of the year. The use of the land for riding is considered acceptable in a rural location and this use would not diminish the strategic gap.

Environmental impact

Policy CS4 Green Infrastructure, Biodiversity and Geological Conservation states that

habitats important to the biodiversity of the Borough, including Sites of Special Scientific Interest, Sites of Importance for Nature Conservation, areas of woodland and the coast and will be protected in accordance with nature conservation designations.

The Council's Ecologist has visited the site and has advised that the site does not appear to be of botanical interest, and the field centres themselves are unlikely to support any protected species due to their current condition and management (used by horses).

The boundary habitats may be of interest, but it is not anticipated that any impacts to boundary habitats will occur as a result of the proposals.

Highways

Core Strategy policy CS5 seeks, among other things, to permit developments which do not adversely affect the safety and operation of the strategic and local road network, public transport operations or pedestrian and cycle routes.

Third parties have expressed concern at the condition of the road and the likely increase in traffic from the proposed use. The applicant has provided to the Local Planning Authority details on the method of arrival of riders, numbers of riders and the frequency of riding events. The applicant has set out in the application that the use of the site will take place for part of the year, specifically between January and July. Within this period, additional information has been received to advise that the enterprise operates on a Tuesday and Thursday (4pm - 6pm) with a maximum of 6 riders/children and Saturday (9am-3pm) with a maximum of 20 riders /children.

The applicant has set out that parents are asked not to park or drive and drop off children in the lane. Children are walked to the site with parents, with drop off points located at Church Road, Nook and Cranny Car Park and the junction of Cowes Lane and Hook Park Road. Hook Park Road is an unclassified byway open to all through traffic.

The Council's Highway Engineer is of the opinion that this level of activity is acceptable and raises no highway objection to the proposal subject to conditions securing the permission being personal to the applicant, permitting only a temporary permission for three years, removal of permitted development rights, control over operating hours, inclusion of the drop off locations within the application site, gate locations and onsite parking for at least three vehicles.

Advice on the use of planning conditions was previously provided in Circular 11/95. The circular was revoked with the publication of the Planning Practice Guidance (PPG) on 6th March 2014.

The PPG provides specific advice on the use of temporary permissions and the use of personal conditions. The PPG advises that "...Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area".

Given that the proposed use is small scale and given the representations regarding the suitability of the access, a three year temporary permission is considered appropriate, in order to enable the Local Planning Authority to assess the impact of the development on the area.

In this case the use of a personal condition would conflict with the PPG advice. The application site does not extend to include the drop off sites and the application must be considered on its merits as submitted, but the reason for the Committee deferral previously was to specifically address this matter rather than reserve it for future approval by details submitted pursuant to a planning condition.

It is considered that the use of conditions to control the months, hours, times of operation and number of riders/children would give the Local Planning Authority adequate control of the proposed development. The control over on site parking provision and gates is also acceptable and conditions are included as part of the recommendation.

This type of land use would not benefit from permitted development rights given the nature of the enterprise such that any further operational development would require an express permission such that a condition removing permitted development rights is unnecessary.

Other material considerations

Third parties have suggested that the site does not conform with the Riding Establishment acts 1964-1970.

Licences for premises under The Riding Establishment acts 1964-1970 are granted by the Council's Environmental Health Department in conjunction with a local vet. No application for a licence has been submitted in respect of this site, but in any event, this is not material to the consideration of this proposal.

In conclusion, the site is set away from public viewpoints and is a reasonable distance from adjacent residential properties. The land is appropriate for horse related uses.

ADDITIONAL CONSIDERATIONS IN LIGHT OF THE APPLICANT'S ADDITIONAL INFORMATION:

The testimonial letters in support of the applicant and her enterprise reflect the debate from the previous committee meeting where Members didn't take issue with the principle of the development or the riding school at this site, it was simply an assessment of the access that caused the Committee some concern.

The applicant has clarified, contrary to the submitted application form, that the enterprise has been running from the application site for a number of years. As such there is acceptance by the existing customers that the means of access is by 'park and walk'. These requirements of the enterprise are adhered to.

The applicant advises all new customers of the access arrangements and this is reflected in the positively framed petition from parents accepting that they are required to park and walk to the site.

The restaurateur at the Nook and Cranny has written in pledging support to the applicant and advising that the restaurant car park is available for use by parents to park. The applicant has since advised, however, that this car park has not actually been used for the last two and half years but the pledge from the restaurant for its use is a helpful 'back up' should there be no spaces at the other locations.

The applicant has indicated in the most recent letter that there are aspirations for the

business to grow and the number of riders at certain sessions to increase. The projected increase in attendance levels do not form part of the current application and is not a proposal before the Committee. The current operational particulars are set out in the report above. As such should the enterprise grow in the manner anticipated the applicant would be required to apply to seek a variation to the relevant planning condition restricting the session times and rider numbers. Any application in this context would be considered on its own merits.

With reference to the applicants commentary that the container be left in situ to avoid a further vehicle movement along Hook Park Road; it is considered more appropriate to seek the removal of the container out of season given that the autumnal and winter months will allow filtered views into the site and the container. The preference of Officers would be to seek the removal of the container at the times the enterprise is not operational at the site. Should Members take a different approach however, a condition requiring the removal of the container would still be required to co-incide with the end of any temporary planning condition.

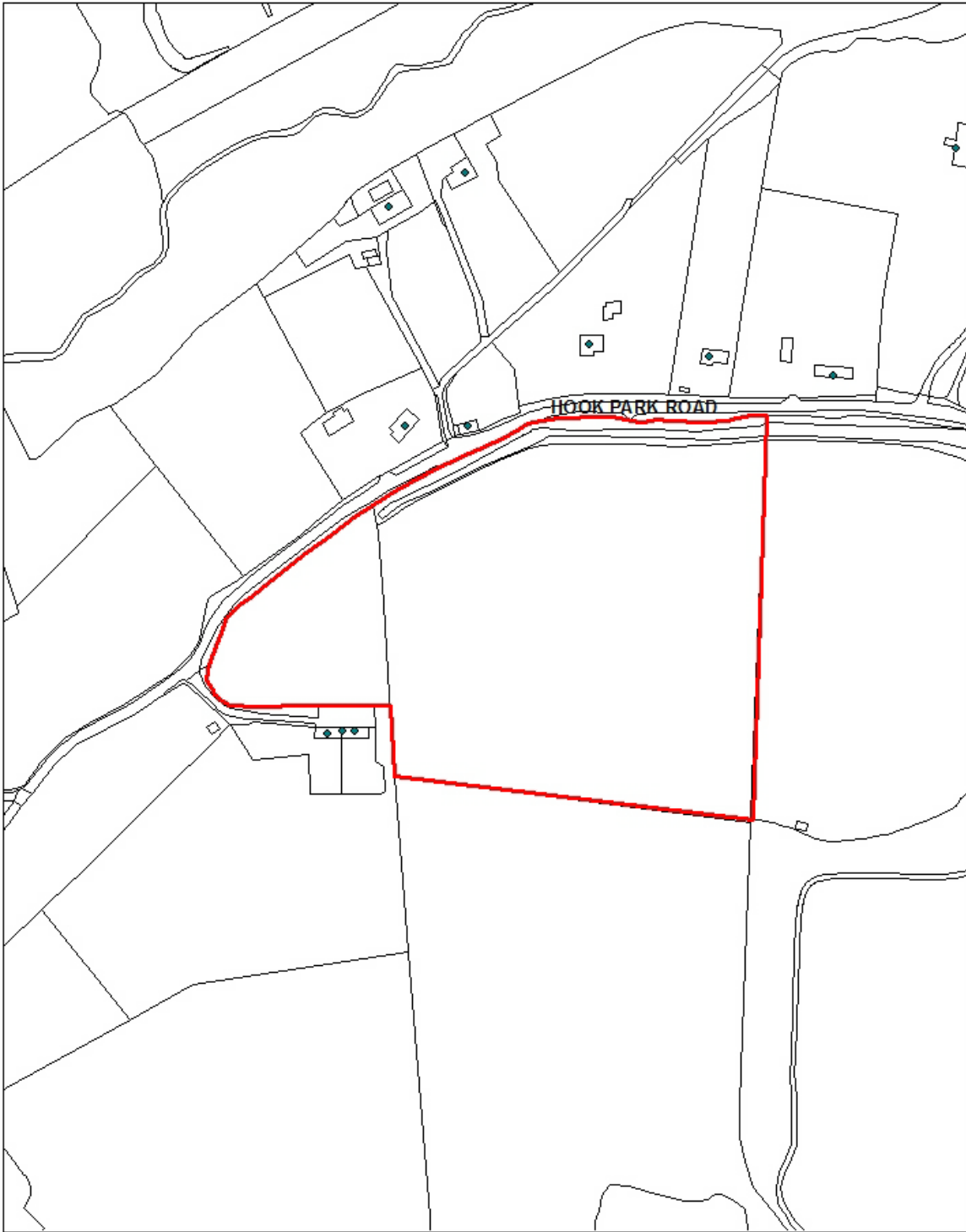
It is considered that the additional information from the applicant is acceptable in addressing the highway issues for both existing and new customers to the application site. The Nook and Cranny restaurant has confirmed that the car park is available for use and therefore the proposal is considered to be acceptable and the reason for the committee's deferral of this application from the February meeting is addressed.

Recommendation

PERMISSION: Temporary for three years; Seasonal; Hours/days/number of riders; Removal of the container and portable toilet outside of the season; position of field gates in relation to the road; Parking on site restricted to 3 vehicles.

FAREHAM

BOROUGH COUNCIL



Land at Hook Park Road
Scale 1:2500



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