

Item Number: 10
Application No: 14/00574/MFUL
Parish: Huttons Ambo Parish Council
Appn. Type: Full Application Major
Applicant: R F Racing Ltd (Mr Richard Fahey)
Proposal: Erection of stabling buildings with ramp, toilet block, temporary portable office building and horse treadmill building (revised details to part of approval 08/00630/MFUL dated 01.10.2008) - part retrospective application.
Location: Musley Bank Stables Musley Bank Malton North Yorkshire YO17 6TD

Registration Date:
8/13 Wk Expiry Date: 26 August 2014
Overall Expiry Date: 11 July 2014
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

Parish Council	Object
Archaeology Section	Representations received
Tree & Landscape Officer	Recommends implementation of landscaping scheme form previous application and attachment of similar condition
Countryside Officer	Updated ecological assessment required
Highways North Yorkshire	No objection
Land Use Planning	No comments required
Highways Agency (Leeds)	No objection
Howardian Hills AONB JC	Comments made
Environmental Health Officer	Recommend conditions

Neighbour responses: John M Drummond, Mr I Brisby, Mr S M Newby,

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SITE:

Musley Bank Stables are situated west of Malton close to the western access point on/off the A64. The stables are used for racehorse training purposes and have long been established, although expanded in the recent past.

The complex sits on the lower slope of Musley Bank and comprises stabling, storage buildings, horse walkers, staff accommodation, a trainer's house, paddocks and circulation space. Access is via the slip road close to the western A64 junction.

Residential properties abut the site on its eastern side.

PROPOSAL:

Planning permission is sought for the erection of a stabling building with ramp, toilet block, temporary portable office building and horse treadmill building (revised details to part of approval 08/630/MFUL dated 01.10.2008).

The main changes are:

1. The introduction of a horse treadmill approximately measuring 4.6m by 12.3m and 4.5m to the ridge height. It is proposed to erect this from brickwork and Yorkshire Boarding under a slate grey corrugated sheeted roof.

2. The introduction of a toilet block approximately measuring 3.5m by 5.4m and 3.4m to its highest point (retrospective application). This is constructed of brick under a slate roof.
3. A temporary office building that will approximately measure 14.4m by 4m and 3.5m to its highest point (retrospective application). The building is of metal construction finished in dark green.
4. Revisions to an approved stabling building in terms of its siting, scale, and design. The proposed will approximately measure 84.5m by 13.39m and be 4m to the eaves height and 5.6m to the ridge height (retrospective application). The building is constructed of blockwork to 1.2m with Yorkshire Boarding above under a slate grey corrugated sheet roof. The design includes two open covered areas.

The stabling building is located in the middle of the complex of buildings with its roof ridge running west-east. The proposed treadmill building is to be located between the proposed stabling building and an adjoining building. The office building and toilet building are proposed to be located on the western side of the complex.

HISTORY:

1990: Change of use of stud farm to racehorse training establishment - Approved

2004: Erection of accommodation block for stable staff - Approved

2004: Erection of dwelling - Restricted Approval

2006: Erection of replacement stable block – Approved

2008: Erection of stabling buildings, veterinary and storage buildings, covered exercise track for horse schooling and assessment, additional horsewalkers, building to form staff welfare facilities, administration facilities and owners suite and formation of associated parking and access road - Approved

POLICY:

National Policy Guidance

National Planning Policy Framework (NPPF) 2012

National Planning Policy Guidance (NPPG) 2014

Local Plan Strategy – adopted 5 September 2013

Policy SP9 - The Land Based and Rural Economy

Policy SP12 – Heritage

Policy SP13 – Landscapes

Policy SP14 – Biodiversity

Policy SP16 – Design

Policy SP19 – Presumption in favour of sustainable development

Policy SP20 – Generic Development Management Issues

APPRAISAL:

This application arose as a result of an Enforcement investigation following complaints. Members are advised that this is a 'Major' application and a decision on the application has been made on or before 26 August 2014, this being the only Committee meeting available to determine this application.

Three of the components on this application have been built and in this respect the proposals are 'retrospective'. It is important to advise Members that the fact these developments have been completed already, is not a material planning consideration.

The proposed development is an expansion of a well established racehorse training yard situated within the Howardian Hills Area of Outstanding Natural Beauty (AONB).

The main issues are considered to be:-

- the size, scale, siting and design of the proposed buildings and their impact on the AONB;
- archaeology;
- biodiversity/ecology;
- impact on neighbouring property; and
- access and highway safety.

The proposed development relates to the expansion of an established racehorse trainer's yard which in principle is supported by Policy SP9 of the Local Plan Strategy.

Proposed Stabling building

Members are advised that there is an extant planning permission granted in 2008 for a stabling building on this site, this measured 14m in width and 90m in length and 3.7m to the eaves height and 7m to the ridge height. The agent has stated that due to constraints with ground levels and the interrelationship between the stabling building and the adjacent covered horse schooling area it was not possible to build the stabling building in the approved location. The proposed building will approximately measure 84.5m in length and 13.39m in width and 4m to the eaves height and 5.6m to the ridge height. The current proposal is therefore 5.5m shorter in length and 0.6m shorter in width, and 1.4m lower at its ridge height.

The proposed building is also located approximately 12m to the north eastern side of the approved location. The nearest property outside of the applicant's ownership, Grooms Cottage, the approved building was 41m from and the proposal is 31m from Grooms Cottage. The design previously had a louvered design feature across its roof ridge. The current proposal does not include this design detail. Instead, it features a simple pitched roof representative of other agricultural/equestrian buildings in the District.

It is understood that trees were removed from the site in order to facilitate the siting of the proposed building; however there was no protection afforded to these trees. It was also clear from the site inspection that there have been some re-grading of land levels between the location of the proposed stabling building and the exercise building to the south. However, this area is also contained between existing buildings on an existing slope and not readily visible from public vantage points, with the exception of the public footpath and bridleway within an adjacent to the site.

In summary, and in view of the extant permission, the siting, scale and design of the proposed stabling building is considered to be acceptable. It is considered that additional planting is required to integrate the proposal into the surrounding landscape. A landscaping condition was also imposed previously for this purpose.

Proposed new treadmill building

The proposed treadmill building is the only part of the application that is not retrospective. It is proposed to be located between the proposed stabling building and an existing stabling building. It is proposed to be clad in identical materials to that of the proposed stabling building. In view of its discrete location between existing buildings, and its lower roof height, the proposal is considered in terms of its siting, scale, and design.

Proposed toilet block

The proposed toilet block is constructed of brick and slate and located adjacent to existing buildings on the western side of the complex of buildings. There is considered to be no objection to the siting, scale or design of this part of the proposal.

Proposed temporary office building

The proposed office building is metal portakabin, and the applicant is seeking its use for a temporary period before he completes the remainder of the development approved on the 2008 planning permission. This building is located adjacent to existing buildings and for a temporary three-year period this proposal is considered to be acceptable.

Landscape impact

Whilst the economic benefits of the proposed expansion are important considerations with the retention and expansion of employment, and the local economic spin-off being material considerations. The site is within an environmentally sensitive area; the Howardian Hills AONB. The applicant states that he employs 70 members of staff, and the agent states that the training yard is nationally recognised.

Policy SP13 and NPPF attach importance to the protection of the Howardian Hills Area of Outstanding Natural Beauty. The whole site slopes significantly from north to south. The proposed development is located within the established complex of buildings. A Landscape Assessment submitted with the 2008 application concluded that development would not result in a significant change in the landscape. This view was formed on the basis that there are limited long/medium range views of the site from public areas, although a public footpath runs adjacent to the development. Natural screening from landform and tree and hedgerows make the site generally secluded. In addition, the site currently accommodates significant buildings and the previously approved development would be integrated into this existing built form and utilises land which benefits from good screening. The main changes from the proposed development relates to the stabling building being slightly smaller and lower and being approximately 12m to the north east. This proposed building nevertheless is read as part of a tight group of buildings. The building will be located on slightly higher ground than the approved building and there is no doubt that there has been some re-grading of the land between the stabling building and the exercise building to the south. The Joint Advisory Council to the Area of Outstanding Natural Beauty (AONB) has no objection to the proposals and recommends a condition regarding additional planting to soften the impact of the proposed buildings. It is therefore considered that the proposed development will not have a material adverse effect upon the special scenic quality of the surrounding landscape.

Archaeology

A condition was imposed on the 2008 permission in respect of ground disturbance work and potential archaeology. That condition was discharged by the Local Planning Authority and a report prepared by MAP Archaeology. In the circumstances the County archaeologist has recommended a condition regarding the ground disturbance works arising from the development not already undertaken (the proposed treadmill building).

Protected species

The Council's Countryside Management Officer has requested an ecological survey of the site due to the group of nearby ponds. This survey is currently outstanding and Members will be updated at the meeting. Discussions with the Countryside Management Officer confirm the aim of the survey is to obtain environmental enhancements and not necessarily related to the principle of the developments. In this respect, if the survey has not been received when the application is debated by Committee, and members are minded to approve the application this issue could be delegated to Officers.

Residential amenity implications

It was stated on the 2008 committee report:

'The nearest neighbour abuts the site on its eastern side and is already subjected to a level of disturbance resulting from the operation of the existing yard. Whilst the proposal will probably increase activity on the site, the new access to the site, by the formation of a road running alongside the southern side of the proposed training ring, will bring about an alternative and better means of access. This should lessen vehicle movements in the vicinity of the neighbour.'

The proposed stabling building will be approximately 12m closer to Grooms Cottage, (giving a separation distance of 31m) than the approved building. Part of the eastern side of the building will be visible from Grooms Cottage and Musley Bank House. The block plan also indicates that there was a building that existed previously where the eastern side of the proposed building is located. However there is no right to a view, and the view from these properties is not a material planning consideration. The proposed treadmill building, office building and toilet building is not considered to give rise to a material adverse effect upon the amenities of nearby properties.

After discussion with the agent it is understood that the southern access arrangement which has been created, is used by all vehicles entering and leaving the site, with the exception of the horse transporters. The larger Horse Transporter vehicles, due to turning and gradient constraints use the access point to the north of Mews Cottage and adjacent to Grooms Cottage. Objections have been made regarding the operation of vehicles leaving the site from this side and using the bridleway. Although, it is noted that the applicant does have a right of way across the bridleway. The agent has stated that the daily movements are approximately 4-8 a day along this bridleway.

The Environmental Health Officer has stated:

"My main concerns about this type of development relate to the potential disturbance and loss of amenity to neighbouring residents from noise and smells from machinery and stable activities and animals and smoke from stable waste burning. I would therefore recommend that the applicant submits a plan for manure management to cover the storage and disposal of manure waste and noise management plan is provided to address noise from vehicle movements and deliveries, operation of external machinery (horse walkers/treadmill) and general work activities (this would centre around an agreed limitation of hours of operation)".

It is apparent from the above, that when the 2008 application was approved it was accepted that there would be some noise and disturbance from the existing yard. This was because the racing yard was existing and the proposals were an expansion of the existing yard. However, it would appear that the current operations are giving rise to amenity concerns from the adjoining properties. Before concluding on this aspect, discussions are on-going with the agent to establish if it's possible to agree:

- an internal loop arrangement for vehicles on site to ensure all movements are routed through the newly created southern access point;
- an hours of use arrangement;
- and a noise plan relating to on-site operations, and deliveries.

In trying to negotiate with the agent, Members should also note that the applicant has an extant planning permission for a slightly larger building in a similar location (without such controls) to which the associated impacts for residents could be the same as the current situation.

Access and highway safety

The access to the site from the Highway will remain as existing and both the Highway Agency, responsible for the A64(T), and North Yorkshire County Council have not raised any objection to the proposal. The movements to and from the site will be very similar to the extant planning permission on the site. The application site is located within a reasonable distance from Malton with good public transport links. The access to the site is owned by a neighbour and it is understood that the applicant has rights over the access. The objections raised state that the access road requires maintenance and a request for an S106 agreement for this purpose has been made. Given that the access track is privately owned, there is considered to be no legitimate basis to insist on a S106 agreement regarding the maintenance and condition of the private road. This is a civil issue between the respective landowners.

Other issues raised

The Parish Council (Huttons Ambo) has objected and there have been objections from three other parties, these letters are available to view online under the application reference number. The following issues have been raised:

1. The applicant did not own the land within the red line.
2. The position of other buildings/structures within the site and shown on the block plan are not accurate;
3. Objections to the siting, design and scale of the proposed stabling building;
4. The use of the private access to the highway from Musley Bank Stables;
5. Position of the horsewalker;
6. Burning of waste and refuse collection;
7. The routing of vehicles around the complex and the use of the access and bridleway on the eastern side to the south of Grooms Cottage;
8. Whether there is sufficient on-site parking;
9. The applicant's alleged disregard to planning legislation;
10. Removal of trees;
11. Other alleged breaches of planning control.

The Parish Council has also stated that it supports the points raised by the occupiers of Grooms Cottage and Musley Bank House. The Parish Council has also suggested that any new conditions imposed should be strictly enforced.

The following suggested remedies have been suggested by the local residents objecting to the proposals:

1. Access and vehicle routing
2. Restrictions on burning of waste
3. A reduction in the size of the building on the eastern side;
4. A landscaping plan
5. Measures to address the condition and management of the roadway.
6. Designated areas within the site for specified uses; a new barn storage area; a HGV parking area; a vehicle wash bay; a manure store; a grease pit; a fuel depot; perimeter loading bay; bio-security fencing around vulnerable areas.

The agent has amended the application by extending the red up to the public highway, and served notice on the owner on 18 July 2014. This is a procedural issue and the Local Planning Authority cannot issue a decision until 21 days after the serving of this notice. Although, given that the notice is served on an objector who originally raised this along with several other issues in their objection, it unlikely to generate additional objections to those already raised.

The positions of other structures on the site, which are not the subject of this application, are not relevant considerations on this proposal. It is considered that the block plan contains adequate information in order for the proposed developments to be assessed. It should be noted that this application solely relates to the proposed developments the subject of this application.

The above appraisal contains a detailed assessment of the impact of the proposed stable building. A reduction in the size of the building on the eastern side was discussed with the agent, and the applicant is not willing to reduce the size of this building. However, subject to the conditions recommended there is considered to be no grounds to refuse the application based on the proposed stabling building.

The trees removed from the site did not have any protection. A landscaping scheme is recommended to assist with integrating the proposals into the landscape.

The breaches of planning control do not represent a material planning consideration on this planning application.

The local Highway Authority has no objection to the parking provision on-site. The issue of the access to the site from the public highway and the condition of the access track has been addressed above. To confirm the condition of the access track is a civil issue and it is not a material planning consideration, there is therefore no requirement to insist on a s106 in this respect. A condition is recommended to prevent any burning on-site and to require a refuse management plan. The routing of vehicles around the site is not a material planning application.

This application cannot consider other alleged breaches of planning control. The Enforcement Officer has been made aware of these and issues and his investigations are ongoing.

The remedies proposed by the objectors in relation to the residential amenity impacts are being discussed with the agent and Members will be updated at the meeting.

In view of the above assessment and subject to the expiry of the ownership certificate and receipt of a satisfactory ecological report, the application is recommended for approval.

RECOMMENDATION: Approval subject to the expiry of the ownership certificate and a satisfactory ecological report

1 The Treadmill building hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2 The office building hereby permitted shall be removed and the land restored to its former condition at or before 30 July 2017 unless an extension of the period shall first have been approved in writing by the Local Planning Authority.

Reason:- The development permitted would be unacceptable on a permanent basis because of its temporary design and to protect the character and appearance of the Area of Outstanding Natural Beauty, and to satisfy Policies SP13, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

3 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

(NB Pursuant to this condition the applicant is asked to complete and return the attached proforma before the development commences so that materials can be agreed and the requirements of the condition discharged)

Reason:- To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 4 Before any part of the development hereby approved commences, plans showing details of landscaping and planting schemes shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed where appropriate to the development. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained.. All planting, seeding and/or turfing comprised in the above scheme shall be carried out in the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved and to comply with the requirements of Policies SP13 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 5 There shall be no means of external lighting associated with the development hereby approved, unless with the prior written approval of the Local Planning Authority.

Reason:- To ensure that the character and appearance of the area is not prejudiced by night time glare, and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 6 Notwithstanding the provision of any Town & Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on drawing no. PD141-02 for parking spaces, turning areas and access shall be kept available for their intended purpose at all times.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

- 7 No development of the horse treadmill building shall take place until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the Local Planning Authority.

Reason:- The site is of archaeological interest and investigation/protection and observation of the site is required by the National Planning Policy Framework.

- 8 Within 3 months of the date of this permission, sa scheme for the storage and disposal of stable waste shall be submitted to and approved in writing by the Local Planning Authority. There shall be no burning of stable waste. Thereafter, stable waste shall be disposed of in accordance with the approved scheme.

Reason:- To ensure that stable waste is stored and disposed of in a manner which is not prejudicial to the local environment, and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 9 Within 3 months of the date of this permission, full details of the means of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be completed in its entirety prior to any part of the scheme coming into use, unless with the prior written approval of the Local Planning Authority.

Reason:- In the interests of the satisfactory drainage of the site, to prevent pollution and to accordance with Policy SP18 of the Ryedale Plan - Local Plan Strategy.

- 10 There shall be no on-site burning of waste associated with this development.

Reason: In order to protect the amenity of adjoining neighbours and to satisfy Policy SP20 of the Ryedale Plan.

- 11 Within 3 months of the date of this permission a refuse management plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the details thereby agreed.

Reason: In order to protect the amenity of the adjoining neighbours and to satisfy Policy SP20 of the Local Plan Strategy.

- 12 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Drawing No. PD141-01-B;
Drawing No. PD141-02;
Drawing No. PD141-03;
Drawing No. PD141-04; and
Drawing No. PD141-05

Reason: For the avoidance of doubt and in the interests of proper planning.

Background Papers:

Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties