

KEY INFORMATION

Ward Camperdown

Proposal

Erection of riding centre for the disabled, tack room and outdoor riding centre

Address

Mains of Gray
Liff Road
Dundee

Applicant

The Brae Partnership
c/o Royal Dundee Liff
Hospital
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Agent

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Registered 22 February
2005

Case Officer E Jones



Proposed Riding Centre at Mains of Gray

The erection of an outdoor riding centre is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The development does not comply with Policy RD15 of the Dundee Local Plan 1998. SEPA, Kingsway West and Liff, Fowlis and Balruddery Community Councils and two local residents have objected. The concerns raised by objectors are supported. Angus Council considers the access is unsuitable. The application is Recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought for the erection of a Riding Centre comprising an indoor school; stable block and tack room; an outdoor arena and parking for the Dundee Riding Ability Centre to provide riding facilities for disabled people.
- The development will be located to the south of the farmstead of Mains of Gray, west of the House of Gray. Access to the site is from a steep unmade farm track, in excess of 800 metres long, which will be upgraded with passing places. The access to the track is in Liff village.
- The development does not comply with Policy BE15 of the Dundee Local Plan 1998. The Scottish Environment Protection Agency (SEPA) has objected to the lack of information on the proposed drainage and has requested that the application is not determined until the pollution issues are resolved.
- Kingsway West Community Council and Liff, Fowlis and Balruddery Community Council have objected to the proposal as have two individual residents. The objections are on the grounds that the location is inappropriate, the access and road are unsuitable, loss of residential amenity from increased traffic, lack of clarity in the proposed use of the site and the projected traffic flows. The concerns raised by objectors are supported.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of a Riding School comprising an indoor school, a stable block and tack room, an outdoor arena and parking. The facility is for the Dundee Riding Ability Centre who will provide riding and carriage driving for disabled people in the City. The indoor school has an area of 2,200 square metres and includes a meeting room, kitchen, physiotherapy and changing rooms a seating area and office. The outdoor arena is 3,200 square metres. There are 6 stables, tack room and storage in the ancillary building. The buildings are shallow pitched and clad in green profile cladding. The layout indicates parking for 26 cars and 2 buses and 4 disabled spaces

Access to the site will be taken from the unmade farm track to the north. The track is intended to be upgraded and passing places formed. The access to the road lies to the east of Liff Church in the village of Liff.

The Centre is proposed to be used from Monday to Saturday.

SITE DESCRIPTION

The site lies to the south of the existing farmstead of Mains of Gray which lies to the west of the House of Gray. It comprises existing large farm buildings related to the agricultural use of the surrounding land the rearing of poultry, two cottages and a derelict traditional farm building. The site is accessed from the north via an unmade farm track which is 845 metres from the road junction to the proposed Centre and falls steeply downhill from north to south. Gray Walk, to the south east, which is also unmade and generally unsuitable for conventional vehicles gives access to several properties including House of Gray. The site is open and unused bounded by an existing hedge and 2 mature trees. Open farmland lies to the west and south.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan 1998

The following policies are of relevance:

Policy RD15 - General Development Criteria applying to all developments in the Open Countryside.



Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application.

Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 74 - New Development in the Open Countryside.



Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy relevant to the determination of this application

Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application

LOCAL AGENDA 21

The proposal partly complies with Key Theme 12 "Opportunities for culture, leisure and recreation are readily available to all".

SITE HISTORY

This charity has been seeking a suitable site for a Riding Centre for the Disabled for a number of years. Members may recall that planning permission was granted for a site to the east of the Clatto Reservoir some years ago but the site ultimately proved to be unsuitable.

A previous application ref 04/00996/FUL for the same development on the same site was withdrawn on 29/11/04, unregistered, pending receipt of revised information.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised in the local press as potentially contrary to Policy RD15 of the Dundee Local Plan. Two objections were received from residents of dwellings adjacent to the proposed access road in Liff Village. Copies are available in the Members Lounges and the objections will be considered in the Observations below.

CONSULTATIONS

Objections were received from Kingsway West Community Council and Liff, Fowlis and Balruddery Community Council.

In principle, the Kingsway West Community Council supports the provision of a Riding School for the Disabled for the citizens of Dundee and surrounding areas. However they

object to the proposed location at Mains of Gray on grounds of:

- 1 the proposal does not conform to the current Local Plan or the still to be finalised Local Plan.
- 2 the location is inappropriate, is not easily accessible and should be in a prominent site to promote the charity and the City, particularly if large fund raising events are planned. The site is accessed along a single dirt track past a poultry farm and unsightly farm buildings. At times of the year, the use of the large storage sheds, noisy grain drier and heavy traffic presents Health and Safety issues.
- 3 The Community Council is concerned at the different estimates of indicative traffic and the various suggestions of fund raising events with the resulting traffic impact on the site and on local residents. The Church Road access is narrow with no passing space leading to a blind bend on the crest of the brae. Increased traffic will affect residents. Although signage is proposed for the ends of Gray Walk to prevent its use, no mention of control of traffic is provided.
- 4 The site is prone to flooding as the nearby cottages have experienced.

The Community Council feels a more suitable location, perhaps in Camperdown or Caird Park, with existing infrastructure would result in a development to meet the aspirations of the charity, promote the City and provide a facility for users.

Liff, Fowlis and Balruddery Community Council also supports the principle of the development but believes the proposals are flawed. Residents of Church Road have expressed concern and as a result, the Community Council objects on the following grounds.

- 1 concerns with site access via Church Road. Church Road is narrow with no passing places, there is a blind bend, the track is very steep.
- 2 lack of consultation with Angus Council.

- 3 Choice of site location. On the very Western boundary of Dundee with a poor road network, the site is inaccessible, should be located at a more prestigious site.
- 4 Facilities. The level of facilities seems low for the usage proposed at monthly events. Although car parking has been increased concerned that there is insufficient and cars will be parked in Liff.
- 5 Planned usage. There is concern and confusion over the stated level of use and the proposed monthly and fund raising events
- 6 Hours of operation. Detailed hours of operation are requested to enable the use of the site to be enforced in order to limit the disruption to local residents.
- 7 Future development. If approved, there is concern that the facility could be further developed.

Angus Council has indicated that while the development is wholly within Dundee City Council boundaries, it is proposed to take access along Church Road, within Angus Council area. Church Road is an unadopted, unmade track which serves Mains of Gray Farm and several other existing properties. It is further noted that although visibility at the junction is satisfactory, the remainder of the site is relatively narrow and in generally poor condition with no separate pedestrian provision or street lighting. Angus Council does not object to the application but considers that the proposed development would result in a significant increase in traffic (including large vehicles) along this track and it is considered unsuitable to serve a development of this nature and scale.

The issues raised in these objections will be considered in the Observations below.

The Scottish Environment Protection Agency (SEPA) has objected to the proposal due to lack of information regarding foul effluent disposal. The proposed method of disposal is to a septic tank which is not acceptable for a development of this scale and raises concerns in terms of ground water contamination. There is insufficient information with regard to the

suitability of ground conditions for such a proposal.

SEPA has requested that the Council does not determine this application until such time as sufficient information has been submitted to ensure that there is an appropriate drainage scheme proposed for the site. Discussions are underway between the applicant and SEPA.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above

Policy RD15 - General Development Criteria applying to all developments in the Open Countryside. This policy is generally directed towards residential development in the open countryside but has a set of criteria which developments should meet:

A - it contributes to the support of local services such schools, shops and public transport. The proposal provides a service but does not support other services.

B - it can be serviced without any undue additional expenditure. Drainage discharge must be approved.

C - loss of agricultural land. There is no significant loss of prime agricultural land.

D - constitutes ribbon development. This is not ribbon development.

E - has a suitable and safe road access. The development does not have a safe and suitable road access.

F - does not contravene other policies in the Plan. There are no other relevant policies.

Only where there is an overriding justification relating to land use and employment and the Council considers that there are no suitable alternative

sites will consideration be given to waiving any of these criteria.

The need for the facility is recognised and could justify the setting aside of most of these criteria. However, the provision of a safe and suitable road access for a development of this nature is considered to be an essential requirement. Criteria B requires the approval of SEPA.

It is concluded that the proposal does not meet criteria B and E of Policy RD15 of the Dundee Local Plan 1998.

Other Material Considerations

The other material considerations to be taken into account are as follows:

Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 74 - New Development in the Open Countryside.

The introduction to the policy states the objective to adhere to the principles of sustainability by, amongst other things, reducing the need to travel. New development is only acceptable in specifically defined circumstances. The policy is primarily directed towards new residential developments.

The policy states that there will be a presumption against all new developments unless:

- the proposal is located within an existing building group.
- the proposal involves the restoration of an existing building worthy of retention.
- the proposed development is supported by an agricultural justification.

The building is within an established agricultural building group and will not be an isolated development. The other elements of the policy are not directly relevant to the application.

Western Gateway. Members will be aware that the site lies within the general area of the Western Gateway but is not affected by the sites for any of the three villages proposed by the Finalised Dundee Local Plan Review 2003.

It is concluded that the development does not contravene any of the relevant

policies in the Finalised Dundee Local Plan Review 2003.

Objections

In addition to the residents who have expressed their concerns to the Community Councils as detailed above, two letters of objection have been received from local residents on grounds of:

- 1 poor access via unmade track which is single lane, on a steep incline, poorly drained, difficult in ice and snow.
- 2 alternative of shorter, level and more direct access from Gray Walk.
- 3 increased traffic and unrealistic estimates of proposed vehicle numbers causing danger to residents.

Access:

The development includes proposals to upgrade the surface of the track although no details are provided and as it will not be adopted, the City Council will not require the submission or approval of the specifications. 3 passing places are proposed; one of which is located at the crest of the hill. The northern part of the track, which lies within Angus, cannot be widened to provide passing places. Angus Council has indicated that they consider the access to be unsuitable for the scale and nature of the development. The concerns raised by objectors are supported.

Gray Walk which is located to the south of the site is not a road and it is not intended that it be upgraded. It is not suitable for conventional vehicles. It is the subject of a Tree Preservation Order which would restrict its upgrading and has a very poor access on to Dykes of Gray Road with very limited visibility.

The predicted vehicle numbers have varied in the different submissions which have formed part of this application. The Mission Statement of the organisation refers to 4 sessions per day, Monday to Saturday, with 8 clients and 4 helpers per session. This will result in 1 minibus and 4 cars per session. In addition, the meeting room is used monthly for a maximum of 20 persons, using 20 cars. A monthly hire of the arena is proposed for 40/50 persons generating 20/30 cars and competitions with other Riding for

Disabled groups is estimated to involve 5 groups of 10/12 persons resulting in 4 minibuses and 10 cars. The Business Plan submitted as part of the application also refers to Fundraising Events twice a year, attracting 100 to 150 people and up to 150 cars.

A later submission clarified the proposals as follows

: meeting room for 10/15 people, to be used monthly.

: hire of the arena to third parties, numbers of cars and buses to be agreed and guidelines sent with regards to road access.

: fundraising events will take into account parking facilities, access will be by ticket, supporters will be encouraged to car share and if appropriate coaches will be hired.

A final letter from the organisation has stated that daily use is anticipated to be 4 minibuses and 8 cars per day. It also states that no fundraising events will be held at the Centre.

These figures appear to be unrealistic underestimates of the likely traffic. There is no reference to on site staff who will attend to the stock and teach. The Business Plan details one permanent member of staff, two part time physiotherapists and a pool of up to 60 volunteers who will assist with the running of the centre. 8 clients, dependant upon their degree of disability, could require at least 1 to 1 assistance from helpers. Family members and volunteers would be likely to attend some sessions. Given that accommodation is proposed for 6 horses, events will result in the transportation of other horses to the event, particularly competitions. This will result in larger numbers of larger vehicles using the access. It is unrealistic for a major charity not to hold fundraising at its centre once it is built.

The potential for the hiring out of the arena to third parties is the most likely to create additional pressures on such a site. According to the Business Plan, the charity intends to generate funds by hiring the facility and other users may bring horse boxes, cars etc to the site. It would be unrealistic to attempt to control such use by planning conditions. The Business Plan also indicates an anticipated regular monthly income from the hire of the arena and the meeting room.

The intention is to create a Scottish centre of excellence where instructors, physiotherapists and helpers are given specialist training in working with disabled riders, to form a facility for research and to provide training to VQ level in equestrian subjects, including work placements. All of these functions will involve additional people coming to the site for training, research etc in addition to the levels of traffic generated by the various uses detailed above.

For the above reasons, it is concluded that the projected likely traffic figures are unrealistic and are significantly underestimated.

These issues were raised with the applicant's agent when the submitted plans indicated 9 car parking and 4 disabled parking spaces. A revised layout was submitted showing 30 spaces plus 4 disabled spaces although at least 6 of these will be unusable due to the close proximity of other spaces which will restrict manoeuvrability.

There is a potential for conflict with other adjacent agricultural activities as the site lies adjacent to large farm buildings, including poultry rearing with its associated impact of noise, dust, smells and heavy traffic.

The objections on the grounds of the access, increased traffic and the likely increased use of the site are supported. The use of Gray Walk as an alternative road access is not supported.

It is concluded from the foregoing that the weight to be accorded to the material considerations supports a recommendation that planning permission should be refused in accordance with the provisions of the development plan.

Design

The indoor school is a typical wide span shallow pitched agricultural building clad in green profile sheeting. The stable block and tack room is a smaller version of the same style. They match the adjacent agricultural buildings in the farmstead.

CONCLUSION

As previously noted, this charity has been seeking a site in Dundee for some time. This site has been offered to the group at a limited rent and provides the necessary grazing land in association

with the indoor school and outdoor arena. It is also within Dundee.

However, it is accessed along more than 800 metres of a steeply sloping, narrow, unmade track with limited passing places or opportunities to pass on the northern section where it is bounded by existing residential properties. The traffic likely to be generated by such a development if it expands to meet the objectives in its own Business Plan will be likely to have a significant detrimental impact on the nearby residents. Use of the site by others is considered to be incapable of effective control using planning conditions to restrict the scale of use and the nature and volume of traffic. Adjacent agricultural uses may conflict with a proposed centre of excellence. SEPA has objected due to lack of information and requests that the application is not determined until the issue is resolved.

The provision of such a facility is strongly supported by this Council in view of the significant benefits that riding can provide. Such a centre should be supported in its objective to create a centre of excellence for participants, professionals, volunteers and supporters. However, it would be remiss of this Department to support the development of this Centre at an inappropriate location which would limit its potential for expansion and development and would have a detrimental impact on neighbours and users of the facility.

It is therefore recommended that planning permission be refused.

RECOMMENDATION

It is recommended that planning permission be REFUSAL.

Reasons

- 1 The proposed development is contrary to Policy RD15 - General Development Criteria applying to all developments in the Open Countryside as the site does not have a drainage system acceptable to SEPA and does not have a suitable and safe road access. There are no material considerations of sufficient strength to justify the granting of planning permission contrary to the policy.
- 2 It is considered that the nature and scale of the proposed

development as detailed in its Mission Statement and Business Plan will be likely to generate traffic on an unacceptable scale along an unsuitable access road which will have a detrimental impact on the residential amenity and road safety of residents adjoining the northern part of the access.

- 3 It is considered that the nature and scale of the proposed development as detailed in its Mission Statement and Business Plan will be likely to generate traffic on an unacceptable scale along Gray Walk which is an unsuitable road in terms of its surface, width and drainage with an unsuitable access in terms of its visibility to the highway; to the detriment of users of the facility and traffic on the adjoining road network.