

APPLICATION NO	PA/2013/0108
APPLICANT	Mr M & Mrs A White, Haxey Study Centre
DEVELOPMENT	Planning permission to extend existing lecture room facility to accommodate animal room and classroom/office and WC, and relocate existing study centre from Rose Cottage
LOCATION	Haxey Study Centre, Lupine Woods, Turbary Road, Haxey Carr, Haxey
PARISH	HAXEY
WARD	Axholme South
CASE OFFICER	David Wordsworth
SUMMARY RECOMMENDATION	Subject to the completion of a Section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Haxey Parish Council Significant public interest

POLICIES

National Planning Policy Framework: Paragraph 11 – planning law requires that applications for planning permission must be determined in accordance with the development unless material considerations indicate otherwise.

Paragraph 19 – the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 28 – planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and

- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

Paragraph 118 – when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for then planning permission should be refused.
- Proposed development on land within or outside a Site of Special Scientific interest (SSSI) likely to have an adverse effect on an SSSI, either individually or in combination with other developments, should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development at this site clearly outweigh both impacts that it is likely to have on the features of the site that make it of special scientific interest and any broad impacts on the national network of SSSIs.
- Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted.
- Opportunities to incorporate biodiversity in and around development should be encouraged.
- Planning permission should be refused for development resulting in the loss of a deterioration of irreplaceable habitats, including ancient woodland and loss of aged or veteran trees found outside ancient woodland, unless the need for and benefits of the development in that location clearly outweigh the loss.
- The following wildlife sites should be given the same protection as European sites, potential Special Protection Areas and possible Special Areas of Conservation, listed or proposed Ramsar sites and sites identified or required as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation and listed or proposed Ramsar sites.

Paragraph 187 – local planning authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 196 – the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development framework unless material considerations indicate otherwise. This framework is a material consideration in planning decisions.

Paragraph 197 – in assessing and determining development proposals local planning authorities should apply the presumption in favour of sustainable development.

North Lincolnshire Local Plan: Policies RD2, DS1, DS16, LC2 and LC14 apply.

North Lincolnshire Core Strategy: Policies CS17 and CS19 apply.

CONSULTATIONS

Highways: No objections.

Environment Agency: Objected on the grounds that the flood risk assessment submitted did not comply with the technical guide to the NPPF and the flood risk assessment was insufficient. The applicants have submitted further information and this has been assessed by the Environment Agency. The objection has now been withdrawn subject to two conditions regarding flood mitigation measures and a surface water drainage scheme.

Yorkshire Water: Previous comments submitted in relation to PA/2011/1576 are still relevant. These comments relate to the developers' responsibility to ensure water supply and Yorkshire Water's rights of access to apparatus.

Severn Trent Water: Advise a condition relating to drainage.

Natural England: No objection subject to conditions protecting hydrology and water quality of the SSSI, but commented upon:

- the proximity of the proposal to the SSSI and potential impact upon hydrology and water quality;
- may wish to comment again if the proposal is amended;
- other assessment criteria.

Lincolnshire Wildlife Trust: Object on the grounds that the previous objection to PA/2011/1576 is still relevant:

- concern over close proximity to SSSI from relocation of operations from Rose Cottage
- inadequate access and increase in traffic movements
- inadequate justification, and further impact on the SSSI through noise and light disturbance
- concern about creeping development in the countryside
- advise North Lincolnshire Council to consult Natural England.

Historic Environment Record: No objections to the amended scheme. The existing building detracts from the special characteristics of the historic landscape in this location. The proposal now does not constitute substantial harm to its character or setting.

Environmental Protection: No comments.

Environment Team (Ecology): Commented that Natural England should be consulted. If approved, a condition protecting the SSSI from contamination from waste/foul water and requiring biodiversity enhancement is required. The existing building is well screened by trees and hedges, so the proposal would have little further impact. If the proposal involves removing trees that could hold bat roosts the Environment Team would object.

Public Rights of Way: Objected to the application, without giving details, when first submitted. Concerns surrounded potential conflict of users of the access road, however this objection has now been withdrawn.

PARISH COUNCIL

Objects for the following reasons:

- The amended scheme is not considered an overall material change and therefore strong objections to the original scheme still apply to this application.
- Lupine Woods is currently a single barn which has a grant of planning permission for use as a training room. Lupine Woods is a sensitive area in the Isle of Axholme historic environment and next to an SSSI.
- It is at the furthest point of human habitation and some distance down a bridle path which provides the access. Both sites remain remote from local transport infrastructure and require the use of taxis or private vehicles which is unsustainable.
- There is no business plan for how the business is developing for the need for further development of the non-agricultural business at Lupine Woods or the need for relocation. A transfer of facilities already at Rose Cottage is not justified and the reasons for residential presence, ie security and animal welfare cannot be supported.
- The distance involved from where the domestic animals graze from the main site at Rose Cottage is not very far and is a common feature of animal husbandry. Good farming practice should be sufficient to ensure their welfare.
- There is concern over the introduction of some species which are not domestic animals and are not licensed under the Zoo Licensing Act 1981, concern for their escape and the effect on the ecosystem and SSSI
- This proposal does not comply with many policies in the local plan (RD2, RD6, RD7 and LC14), the NPPF (sections 3, 4, 9 and 11) or the core strategy (CS1, CS2, CS3, CS6, CS15 and CS17)
- Any grant of permission to relocate to Lupine Woods should carry an order to remove all non-domestic buildings at Rose Cottage and any grant of permission for business use at Rose Cottage should be removed.
- The applicant has highlighted in red the access track leading to the proposed site at Lupine Woods. However this is not owned by the applicant: there is only a right of access over this track which is owned by the parish council and rented to the applicant.

PUBLICITY

The nearest residential properties have been notified and site notices posted. The amended plans have been publicised by site notice. Several letters of objection have been received which raise the following objections:

Impact upon ecology

- The wildlife at the nature reserve appears to have diminished since the applicants and the business took off.
- The site is next to an SSSI and nature reserve - the development is inappropriate.
- The introduction of some species is not licensed under the Zoo Licensing Act 1981 and defined in paragraph 21, and is therefore not subject to monitoring and welfare. Such species could escape and may affect the SSSI and surrounding area.
- The application does not persuade anyone that it is in the interests of the area or that this application is significantly different to the previous one (PA/2011/1576).
- The proposal is contrary to policy RD2 because the development is close to the SSSI and detrimental to an area of historic open countryside (policy LC14).
- Natural England and the Lincolnshire Wildlife Trust should be consulted as they have previously commented on applications in the nature reserve and have an interest in protecting the SSSI.
- An inquiry should be held into how inappropriate buildings have been introduced in Haxey Carr Nature Reserve SSSI.

Access/vehicle movements

- The traffic is now constant which is dangerous to horse riders because it is a bridleway with no speed limits.
- The verges are vanishing.
- In the change of use from agricultural buildings to training rooms application it was stated that there would not be an increase in traffic along the bridleway and therefore no clause was imposed.
- Increased traffic along the bridleway would make several of the properties inaccessible in emergencies.
- The bridleway is not suitable for increased use by traffic and is prone to potholes due to soft ground.

Other comments

- The existing large building at Lupine Woods, which was supposed to be an agricultural building, already had toilets, so it is not necessary to build more.
- The applicants have built study rooms at Rose Cottage in recent years so why the need to relocate? More toilets would require more cess pits. It is not good for the SSSI.

ASSESSMENT

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

Planning permission is sought to extend an existing single-storey building on the northern and southern gable ends that currently provides a training and lecture facility with ancillary canteen and WC. These facilities are to be provided in connection with the relocation of Haxey Study Centre (HSC) from its existing site at Rose Cottage to this site known as Lupine Woods. The application originally proposed to erect two new detached buildings to provide a workshop, office, study/lecture room and animal house and retain an existing shower and WC block. The application was then amended in October 2013 following officers' advice. The applicants' justification describes Haxey Study Centre as an established educational training provider that is used by local authorities and other bodies to assist in tutoring pupils and students with special requirements, for example:

- children with learning difficulties
- vulnerable young adults
- pupils attending special schools and colleges
- autistic children and children from Doncaster Deaf School
- nurture groups from mainstream schools

This use falls within Class D1 (Non-residential institutions) of the Use Classes Order.

The local education authorities that use HSC include North Lincolnshire, North East Lincolnshire, East Riding of Yorkshire, Doncaster Metropolitan Borough Council and Nottinghamshire. The centre has been running for over 10 years and is validated by the National Open College Network (AQA). The courses that are run at HSC are varied and include animal care, canine care and training, horticulture, conservation and woodland skills, workshop and construction skills, music production and technology. The centre currently can cater for 24 students at a time at the Rose Cottage site and a further 24 at Lupine Woods. This proposal would involve the relocation of the business to Lupine Woods and closure of the Rose Cottage site. The applicants have proposed revoking the existing planning permission at the Rose Cottage site under planning permission PA/2004/0422. This consent gave planning permission to change the use of a workshop to a field study centre. The workshop was erected on site following the grant of planning permission under reference PA/1999/0488. Controlling the future use of Rose Cottage is considered to be necessary to ensure that two sites do not exist for commercial uses.

The key issues in determining this application are whether the development complies with planning policy, whether it would adversely affect the nearby SSSI, whether the access to the site is acceptable and whether the development is sustainable given its rural location.

The applicants state that the centre has outgrown its current location at Rose Cottage and the existing buildings are inadequate for the new educational standards and qualifications that the centre can now grant, the buildings require significant maintenance and upgrading and also the site is very fragmented with buildings spread over a large area.

The existing building that is proposed to be expanded was granted planning permission under reference PA/2009/1301 to be retained as a training building, including the erection of an extension. However, in 2011 an application to relocate the business by erecting three new buildings on the site at Lupine Woods was refused (PA/2011/1576). The reason for

refusal included impact upon the historic landscape and over-development and for clarity is shown below:

The council considers that the proposal will further extend the area of development that has been inappropriately introduced to this location. The proposed structures would result in more than a doubling of the existing developed area and consequent loss of the sandy carrland historic landscape. The buildings are out of keeping with the small-scale character and architectural tradition of the turbarry. The proposal thus represents an inappropriate over-development of this locally designated landscape and would have an adverse impact upon the character, appearance and setting of the historic landscape and is therefore considered contrary to policies DS1 and LC14 of the North Lincolnshire Local Plan.

Impact upon the SSSI

Haxey Turbarry SSSI covers an area of 14.3 hectares and is effectively a square-shaped area to the north of Rose Cottage which is bisected by an access road/bridleway to Lupine Woods and an irregular-shaped area located to the south of Lupine Woods. The consultation response from North Lincolnshire Council's Environment Team recommends that the views of Natural England should be sought before the application is determined and that a condition should be imposed to ensure that any waste/foul water from the site does not impact upon the SSSI. They also comment that if trees are removed, an objection is made. No trees are proposed to be removed as a result of the proposal.

Natural England has been consulted on the application and does not object to the proposal providing that a condition is imposed preventing any impact on the hydrology and water quality of the neighbouring SSSI.

The applicants submitted a sustainability statement with the application which included details of a reduction in floor space used by HSC if the relocation proposal is allowed. The Rose Cottage buildings occupy 475m² whereas the proposed building floor space would occupy 390m² which it is argued will help reduce the number of students and traffic movements accessing the site. Additionally, the applicants state that a reduction in heating and lighting costs and a reduction in the business's carbon footprint are environmental benefits attributing to this proposal.

It is felt that whilst these improvements are positive, it does not justify the proposal on these grounds alone. The extension of the existing building is 4.5m x 12m (north) and 3.6m x 12m (south) do not represent significant increases in terms of floor space provided and therefore it is felt that the proposal does not result in an unacceptable encroachment towards the SSSI. Natural England have not objected and neither did the council's ecologist or Historic Environment Record (HER) Officer.

Whilst it is accepted that the location is not the most sustainable in terms of public transport and accessibility, the countryside is the appropriate location for the facilities provided and the animal husbandry/welfare elements of the business.

Paragraph 28 of the NPPF supports the sustainable growth and expansion of all types of business and enterprise in rural areas and promotes the development and diversification of agriculture and other land-based rural business. Therefore it is felt that if managed sensitively this proposal can be supported subject to the applicants agreeing to revoke the existing planning permission attributed to the Rose Cottage site under reference PA/2004/0422.

Access

Vehicular access to the site is gained from an existing narrow access road that is also a bridleway, which provides several residential properties with vehicular access. Highways have been consulted and raise no objections; nor do they recommend any conditions. Whilst concerns have been raised regarding maintenance issues for the vehicular access, the level of activity for vehicles accessing the site and highway safety, there are no reasons to withhold consent on highway grounds.

Other matters

The applicants are qualified college lecturers and actively participate in the education of students on the site. There are four further members of staff and the new facilities proposed would require an additional three members of qualified teaching staff, therefore securing nine full-time teaching jobs (six retained plus three created).

The applicants originally submitted a signed certificate A which requires them to own all the land within the application site. The parish council stated in writing that part of the access track is not owned by the applicants and there is only a right of access over the track which is owned by the parish council and rented to the applicants. The applicants have therefore submitted a signed certificate B and served notice on the parish council. Whilst ownership and access rights to the site are considered to be civil matters, it is important that the correct procedures have been followed in terms of notifications and ownership certificates. These matters are non-material to the determination of this planning application.

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 and a discontinuance order to restrict the future use of the existing premises at Rose Cottage to a residential use (Class C3 of the Use Classes Order 1995) only, the committee resolves:

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Head of Development Management upon completion of the obligation;**
- (iii) if the obligation is not completed by 1 June 2014 the Head of Development Management be authorised to refuse the application as inappropriate additional development in the countryside; and**
- (iv) the permission so granted be subject to the following conditions:**

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: 817-13 (1 of 2) and 812-13 (2 of 2).

Reason

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

3.

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason

To ensure the proposal complies with policy CS19 of the North Lincolnshire Core Strategy and to prevent harm to the adjacent Site of Special Scientific Interest.

4.

The development shall only be carried out in accordance with the submitted flood risk assessment dated 2 May 2013 by Howard J Wroot, specifically the following mitigation measures:

- finished floor levels to be set no lower than 3.15 m above Ordnance Datum (AOD)
- flood resilience and resistance measures as detailed in Section 4 of the flood risk assessment to be incorporated into the building design.

The mitigation measures shall be fully implemented prior to occupation and subsequently maintained.

Reason

To ensure the proposal complies with policy CS19 of the North Lincolnshire Core Strategy and to prevent harm to the adjacent Site of Special Scientific Interest.

5.

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme will be maintained and managed after completion.

Reason

To ensure the proposal complies with policy CS19 of the North Lincolnshire Core Strategy and to prevent harm to the adjacent Site of Special Scientific Interest.

6.

Prior to the commencement of development, details shall be submitted to and agreed in writing by the local planning authority of a scheme for biodiversity enhancement on the application site.

Reason

To ensure the proposal complies with paragraph 118 of the National Planning Policy Framework, policies LC2 and LC14 of the North Lincolnshire Local Plan and policy CS17 of the North Lincolnshire Core Strategy.

7.

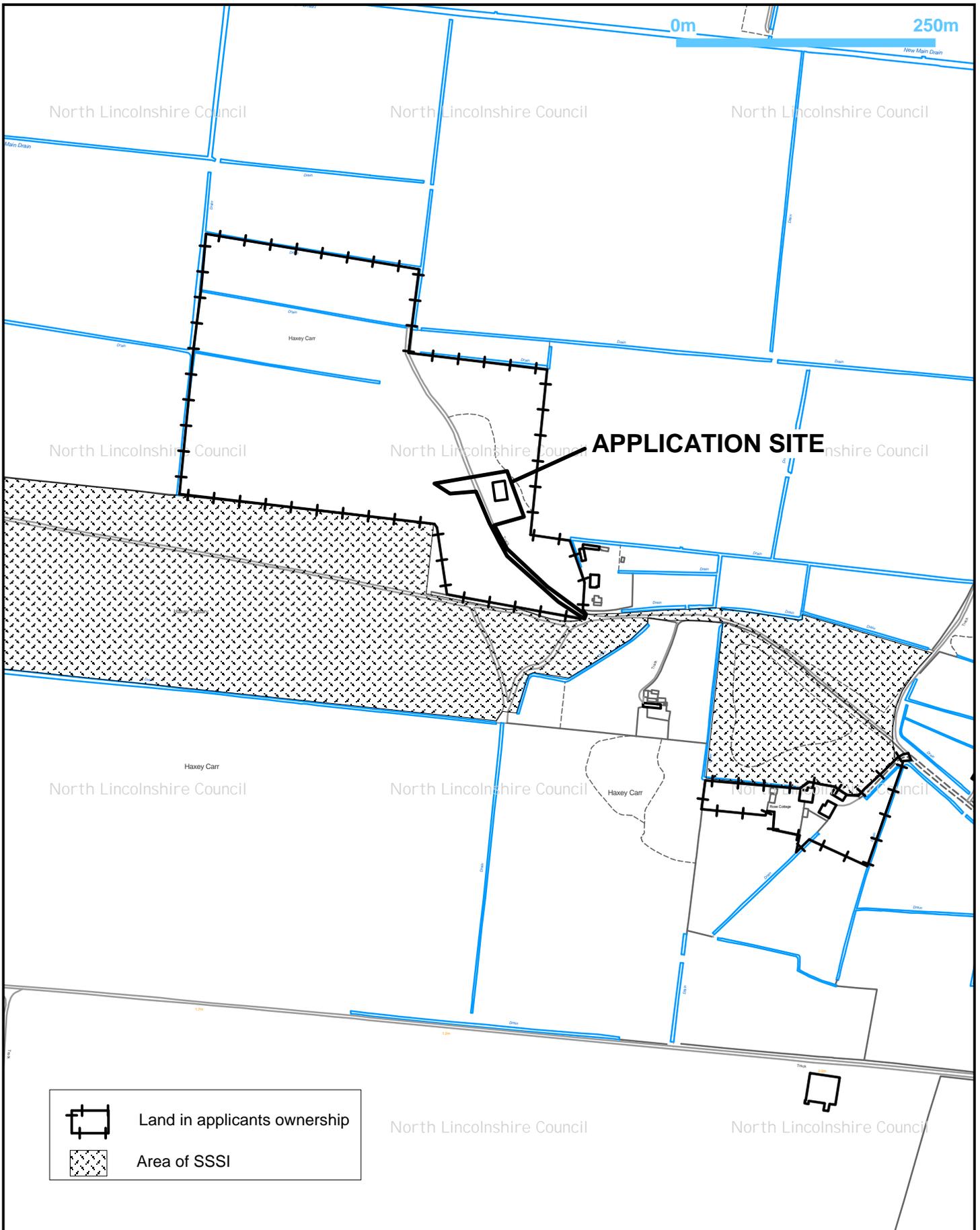
The premises as extended shall only be used as an education and training facility and for no other purpose, including any other purposes in Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended.

Reason

To enable the local planning authority to retain a measure of control over the future use of the premises in this sensitive location.

Informatives

1. This application must be read in conjunction with the relevant Section 106 Agreement.
2. In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



Title: PA/2013/0108			
Drawn by: Sue Barden	Date: 28/01/2014	Scale: 1:5000	

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PA/2013/0108 Layout plan
Not to scale

Site 2.8m AOD

Parking
(existing)

Klargester Bio-Disc



New Planting

12ft

Extension 2

Existing Building

Training & Lecture
Canteen, Disabled WC

15ft

Extension 1

Extension 1

Animal House
Classroom
Store

Extension 2

Entrance
WC's
Office

