

<b>APPLICATION NO</b>	<b>PA/2017/686</b>
<b>APPLICANT</b>	Mr Ian Ball, Fourways Fisheries
<b>DEVELOPMENT</b>	Planning permission for the siting of 10 holiday lodges, new access road, soft play area, erection of amenity block, and associated infrastructure and landscaping
<b>LOCATION</b>	Fourways Fishery, Gunthorpe Road, Owston Ferry, DN9 1BG
<b>PARISH</b>	Owston Ferry
<b>WARD</b>	Axholme South
<b>CASE OFFICER</b>	Andrew Law
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllr David Rose – significant public interest) Significant public interest

## **POLICIES**

**National Planning Policy Framework:** Paragraph 14 states that at “...the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.”

Paragraph 14 also states that, in cases where the development plan is absent, silent or relevant policies are out of date, planning permission for sustainable development should normally be granted.

Paragraph 19 states that 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 is supportive of economic growth in rural areas and states that local and neighbourhood plans should, amongst others, “...support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.”

Paragraph 34 states that plans and decisions should ensure developments which generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 60 states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or

initiative through unsubstantiated requirements to conform to certain development forms or style. It is, however, proper to seek to promote or reinforce local distinctiveness.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 100 states that inappropriate development in areas at high risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Sequential and Exception Tests should be carried out to justify development, reduce the risk from flooding and steer development to those areas at lowest risk.

Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by refusing planning permission if significant harm cannot be avoided or adequately mitigated. Opportunities to incorporate biodiversity in and around developments should be encouraged.

### **North Lincolnshire Local Plan:**

RD2 (Development in the Open Countryside)

T2 (Access to Development)

LC5 (Species Protection)

R12 (New Caravan and Camping Facilities)

R13 (Tourism)

DS1 (General Requirements)

DS16 (Flood Risk)

### **North Lincolnshire Core Strategy:**

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Delivering Quality Design in North Lincolnshire)

CS15 (Culture and Tourism)

CS17 (Biodiversity)

CS19 (Flood Risk)

### **CONSULTATIONS**

**Ecology:** No objections subject to conditions.

**Highways:** No objections subject to conditions.

**Environmental Health:** No objections subject to a condition.

**Drainage:** No objections subject to conditions.

**HER Team:** No objections.

**Environment Agency:** No objections subject to conditions.

**Water Level Management Board:** Advise that the proposal does not meet their policies and that their consent will be required prior to development commencing.

**Severn Trent:** No objections subject to conditions.

## **PARISH COUNCIL**

No objections subject to certain aspects of the development being subject to scrutiny.

## **PUBLICITY**

In excess of 60 letters of objection have been received, raising the following summarised concerns:

- The submitted plans are not clear and cause confusion.
- The proposal would result in unacceptable highways implications.
- The proposal would increase noise/disturbance.
- The proposal would be detrimental to the character of the area.
- The proposal would have an unacceptable impact on ecological assets.
- The proposal would increase flood risk.
- The site does not benefit from good access to public transport links or local services.
- The proposal is not essential.
- The harm that would arise from the scheme would outweigh the benefits.
- There is limited local support for the proposal.
- The proposal may set a dangerous precedent and may be a precursor to further expansion.
- The works have already commenced at the site.
- Emergency services may struggle to access the site.

Some letters of support have been received, including a petition containing 134 signatures. These letters of support state that the proposal would be popular in this area and would

encourage economic growth, and that the current owners have shown they can deliver a successful business at the site.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

No statement of community involvement has been provided with the application.

## **ASSESSMENT**

### **Site**

The application site is an existing commercial fishery occupying approximately 4.4 hectares of land in the open countryside, to the south of Gunthorpe Road, Owston Ferry. The surrounding area is characterised by relatively flat, open agricultural land and the site is bounded by agricultural fields to all sides.

The site currently houses three fishing lakes and an associated toilet block and is enclosed and screened at present by landscaped bunds and trees along the boundaries.

### **Proposal**

This application seeks planning permission for the siting of 10 holiday lodges and the construction of a new access road, children's play area, amenity block and associated infrastructure.

The new access road will be from Gunthorpe Road to the north and will enter at the eastern side of the site frontage. The lodges are to be located in the centre of the site, between the fishing lakes, with the children's play area and amenity block close towards the eastern side of the site, adjacent to the access road.

### **The main issues to consider in the determination of this application are:**

- **the principle of development;**
- **highway safety;**
- **visual amenity;**
- **ecology; and**
- **flood risk.**

### **Principle of development**

It is acknowledged that the site is outside of any established settlement limit. The proposal includes the provision of holiday lodges at the site with associated infrastructure (including toilet block and play area).

Policy RD2 of the adopted local plan provides a 'closed list' of development types which are considered acceptable in the open countryside. This list includes, amongst others, development which is:

"employment-related development appropriate to the open countryside",

and

“essential for the provision of outdoor sport, countryside recreation, or local community facilities”.

The National Planning Policy Framework (NPPF) encourages schemes that will allow for economic growth in rural areas and tourism related opportunities. This is echoed by policy CS15 of the North Lincolnshire Core Strategy.

The applicant has provided a comprehensive Planning Statement which argues that the site at present contains fishing lakes which have operated successfully for a number of years. The owner now seeks to widen the offer to potential customers by offering holiday let accommodation in the form of holiday lodges and associated facilities/infrastructure.

The proposal is intended to provide accommodation linked to outdoor leisure and tourism. The proposed scheme would be aimed at individuals/families seeking such accommodation in a relatively rural area and it could not be reasonably accommodated in an urban area.

As set out above, both national and local policy encourages development of this nature and it is considered that, on this basis, the broad principle of development is acceptable.

## **Highways**

The council's Highways team has no objections to the scheme subject to conditions. The submitted site plan shows vehicular access off Gunthorpe Road and it is considered that the nature of the proposed use would ensure traffic levels would be relatively low. It is therefore considered that the proposal would not result in an unacceptable increase in vehicular movements and would not have an unacceptable impact on vehicular or pedestrian safety.

## **Visual amenity**

It is accepted that the site is in a rural area and that the proposal would result in the introduction of additional built form which has the potential to have a detrimental impact on the character and appearance of the countryside. However, the proposed lodges and associated development would be of limited scale and would be screened to some degree by existing landscaping, which could be improved to further screen and soften the appearance of the site. Furthermore, it is noted that holiday lodges such as those proposed are not an uncommon sight in the countryside, particularly on leisure sites such as a commercial fishery. For these reasons it is not considered that the proposed development would be incongruous or overly intrusive. It is recommended that any approval be accompanied by suitable conditions ensuring appropriate landscaping to mitigate the visual impact of the development. Subject to such a condition it is considered that the proposal would not have an unacceptable impact on the character or appearance of the area.

## **Ecology**

The council's ecologist has acknowledged that the site is currently developed for leisure purposes and as such is subject to a level of existing recreational disturbance. Additional impacts are therefore limited to an increase in visitors, construction impacts (noise and visual appearance), loss of habitat to the built footprint of the development and the potential of ongoing disturbance from the use of the lodges. The ecologist has raised no objection to the proposals on the basis that the impacts related to the footprint of the lodges will be restricted to a small portion of the site and that other impacts can be suitably controlled by conditions.

Subject to the recommended conditions, ensuring that the relevant safeguards are in place and that biodiversity enhancements are secured, it is considered that the proposed development will have no unacceptable impact on ecological assets.

### **Drainage/flood risk**

It is acknowledged that the site is located within an area known to be at risk from flooding (zone 2/3a according to the council's SFRA). However, the applicant has demonstrated that the proposed lodges would not be at unacceptable risk from flooding via a Flood Risk Assessment. The Environment Agency has reviewed the submitted Flood Risk Assessment and has raised no objections subject to conditions.

Furthermore the council's Drainage team has raised no objections to the scheme subject to appropriately worded conditions.

The Water Level Management Board advises that the proposal does not meet its policies and that its consent will be required prior to development commencing. This is covered under separate legislation and is not therefore considered a barrier to the grant of planning permission. Notwithstanding this, an amended site layout plan has been provided by the applicant to address the concerns raised by the drainage board, showing no development within the required 9 metre wide easement of the board-maintained drains. The drainage board has been re-consulted and members of the planning committee will be updated verbally prior to their consideration of the application with regard to any updated response which is received from the drainage board subsequent to the completion of this report.

It is therefore considered that the proposal would not result in an unacceptable increase in risk from flooding in the area in accordance with policy CS19 of the Core Strategy and guidance contained within chapter 10 of the NPPF. Furthermore, subject to conditions, the drainage implications of the scheme are considered to be acceptable.

### **Other issues**

Objections have been received stating that the applicant does not have the right to use the access track. No evidence has been provided to demonstrate that this is the case and it is the responsibility of the applicant to ensure that they have the necessary legal rights of access in place. Notwithstanding this, it should be noted that this is a private civil matter and is not a material planning consideration that would justify a refusal of planning permission.

### **Conclusion**

For the reasons set out above it is considered that the proposed development accords with adopted planning policy and guidance. In light of all material considerations it is considered that the benefits of the proposal, with regard to supporting an existing rural business and promoting rural tourism, outweigh the harm, which is not considered to be significant. On this basis it is recommended that planning permission be granted.

### **RECOMMENDATION      Grant permission 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: 0002 Proposed Site Plan, 0003 Proposed Plans, 0004 Atlas Lilac Lodge Plans and Elevations, 0005 New Shower Block and 0006 New Toilet Block.

Reason

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

3.

Works shall not commence on the construction of the children's play area until detailed plans of the play area, including details of the play equipment to be installed, have been submitted to and approved in writing by the local planning authority. The play area shall be constructed in accordance with the approved details.

Reason

To define the terms of the planning permission and to protect the amenity of the area in accordance with policies DS1 and RD2 of the North Lincolnshire Local Plan.

4.

The existing vehicular access to the site shall be improved within highway limits in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

5.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

6.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

7.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed and, once provided, the vehicle parking spaces shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

8.

No development shall begin until details of the private driveway, including construction, drainage, lighting and where appropriate signage/street naming arrangements, have been agreed in writing with the local planning authority and no dwelling on the site shall be occupied until the private driveway has been constructed in accordance with the approved details. Once constructed the private driveway shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

9.

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) compiled by BSP Consulting reference 16139/FRA dated April 2016 (amended August 2017), including the following mitigation measures detailed within the FRA:

- identification and provision of safe route(s) into and out of the site to an appropriate safe haven
- finished floor levels set no lower than 3.32 metres above Ordnance Datum (AOD) as stipulated within section 3.6.2
- flood resilience incorporated into the design to 900 millimetres as stipulated in section 3.6.2.

The mitigation measures shall be fully implemented prior to occupation and shall subsequently remain in place.

Reason

To reduce the risk of flooding to the proposed development and future occupants, and to aid cleanup and reduce disruption to the business in case of flooding.

10.

No development shall take place until a detailed surface water scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site. It shall also include details of how the resulting completed scheme is to be maintained and managed so that flood risk, both on and off the site, is not increased.



#### Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation, and future adoption and maintenance, of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

11.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 10 above, shall be completed prior to the occupation of any holiday lodge on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

#### Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation, and future adoption and maintenance, of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

12.

No development shall take place until a biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) details of sensitive working practices to avoid harm to amphibians, reptiles, water voles, badgers, hedgehogs and nesting birds;
- (b) prescriptions for landscaping using native trees and shrubs of high biodiversity value;
- (c) restrictions on external lighting to avoid impacts on bat roosts, bat foraging areas and sensitive habitats;
- (d) proposed timings for the above works in relation to the installation of the holiday lodges.

#### Reason

To protect features of recognised nature conservation importance in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

13.

Once agreed in writing, the biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to occupation of the tenth lodge, the applicant or their successor in title shall submit a written report to the local planning authority, setting out evidence that the biodiversity management plan has been implemented in full.

#### Reason

To protect features of recognised nature conservation importance in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

14.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

15.

No development shall take place until proposals for landscaping have been submitted to and approved by the local planning authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

Reason

To enhance the appearance of the development in the interests of amenity.

16.

All the approved landscaping shall be carried out within twelve months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

To enhance the appearance of the development in the interests of amenity.

17.

At no time shall the number of holiday lodges on site exceed ten.

Reason

To define the terms of the permission and to protect the character and amenity of the of the area in accordance with policies DS1 and RD2 of the North Lincolnshire Local Plan.

18.

The lodges hereby approved shall be used for short-term holiday lets only and none of the lodges shall be occupied for more than 28 consecutive days in any 12 month period.

Reason

The site is located in an isolated position in the open countryside and is inappropriate for permanent residential development in accordance with policy RD2 of the North Lincolnshire Local Plan and paragraph 55 of the National Planning Policy Framework.

19.

The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual lodges on the site, and of their main home addresses, and shall make this information available to the local planning authority at all reasonable times.

Reason

To ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation.

**Informative**

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.

