

APPLICATION NO	PA/2008/1237
APPLICANT	Mr P Burton
DEVELOPMENT	Planning permission to change the use of land and infill 4 small ponds to permit the siting of cabin-style static caravans
LOCATION	Grange Farm Fisheries, land to the rear of Sands Farm, Butterwick Road, Messingham
PARISH	MESSINGHAM
WARD	Ridge
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Messingham Parish Council Objection by East Butterwick Parish Council
POLICIES	<p>Regional Spatial Strategy for Yorkshire and the Humber: Economic policies E6 (Sustainable Tourism) and E7 (Rural Economy) apply.</p> <p>North Lincolnshire Local Plan: Policy R12 (New Caravan and Camping Facilities) states that development for new facilities (both static and touring) will be granted planning permission provided that the development is closely associated with existing recreational and tourist attractions and is of an appropriate scale having regard to the size and type of attraction with which it is associated. In granting planning permission conditions will be imposed, where necessary, restricting the use of the site to holiday lettings.</p> <p>Policy R13 (Tourism) states that development proposals for tourism uses will be permitted where they reinforce existing or provide new visitor facilities at a locally appropriate scale and provide for visitor enjoyment of the countryside.</p> <p>Policy DS9 (Development of Land in the Vicinity of Established Hazardous Installations and Pipelines) states that in the significant risk area surrounding a hazardous installation or pipeline planning permission will only be granted for recreational use where it can be demonstrated that the associated hazards and risks identified with locating in proximity to the installation are acceptable.</p>

Policy RD2 (Development in the Open Countryside) states that development in the open countryside will be strictly controlled. Planning permission will only be granted for development which is essential for the provision of outdoor sport and countryside recreation provided that the development would not be detrimental to the character or appearance of the open countryside in terms of siting, scale, massing, design and use of materials.

Policy DS1 (General Requirements) also applies.

CONSULTATIONS

Highways: Advise conditions.

Severn Trent Water Ltd: Advise a condition.

Environment Agency: Advise a condition.

PARISH COUNCIL

Messingham Parish Council and East Butterwick Parish Council object to the proposed development on the following grounds:

- insufficient information has been provided about the proposed use of the caravans
- insufficient information has been provided about the material that is to be used to infill the fishing ponds
- issue relating to the use of the land and whether it is tied to an agricultural holding

PUBLICITY

Neighbouring properties have been notified and three letters of objection have been received. These letters raise similar issues to those raised by the parish councils together with the following material issues:

- the development proposes 24 caravans which, together with the 48 chalets on the site across the road, would exacerbate the number of caravans being sited in this open countryside location
- the proposed development will significantly increase the volume of traffic along Butterwick Road
- loss of privacy to objectors' properties to the south through people using the proposed caravans
- noise disturbance from increased numbers of vehicles accessing the site

- the proposed use is out of keeping with this open countryside location

ASSESSMENT

The application site currently serves as commercial fishing ponds together with fish breeding and a café. The site has an existing vehicle access off Butterwick Road to the south-east and a large car park adjacent to the on-site café. Neighbouring residential properties are located along the Butterwick Road frontage to the south.

The main issues in determining this planning application are whether:

- **insufficient information has been provided about the proposed use of the caravans;**
- **insufficient information has been provided about the material that is to be used to infill the fishing ponds;**
- **the uses on the land are tied to an agricultural holding;**
- **the proposed development of 24 caravans, together with the 48 chalets on the site across the road, would exacerbate the number of caravans being sited in this open countryside location;**
- **the proposed development will significantly increase the volume of traffic along Butterwick Road;**
- **the proposed development will result in loss of privacy to objectors' properties to the south through people using the proposed caravans;**
- **there will be noise disturbance from increased numbers of vehicles accessing the site;**
- **the proposed use is out of keeping with this open countryside location;**
- **there is a risk that the proposed development will impact upon the major gas pipelines that run east to west under the application site.**

The applicants have provided further information about the proposed type and tenure of cabin units to be sited at the application site. Furthermore the number of cabin-style accommodation has been reduced from 24 to 12. Conditions will be imposed that ensure the cabin units are

for holiday lets only and will not serve as a person's main place of residence. Both parish councils have been re-consulted about the amended information and their objections have been maintained on this matter.

The applicants have also provided further information about the material to be used to infill the ponds. It has been confirmed that on-site material from the original excavation of the ponds will be used and there will be no importation of new material. The Environment Agency have confirmed that this is acceptable and recommend that a condition be imposed to ensure that no imported material is used to infill the ponds. Again, both parish councils have been re-consulted about the amended information and their objections have been maintained on this matter.

It should be noted that a planning application (7/1987/0353) was submitted in 1987 to construct 15 fishing ponds and occupy Sands Farm without complying with an agricultural occupancy condition. Therefore the site is not tied to an agricultural holding and it doesn't have an agricultural tie.

It is noted that planning applications have been approved for chalet-style holiday lets on the golf course site on the other side of Butterwick Road. However, this development is outside the development site and doesn't form part of this planning application. It is considered that the number of cabin units proposed at the site is acceptable and appropriate to the existing recreational facilities established at the site. Furthermore the reduction in the number of cabin units from 24 to 12 will allow the local planning authority to assess whether the long-term siting of the proposed use is appropriate in this open countryside location. The cabin units will be sited approximately 180 metres from residential properties on Butterwick Road. Furthermore substantial planting is proposed to the south of the development area to screen the cabin units. Therefore it is considered that there will be minimal impact upon the objector's properties to the south through loss of privacy and noise disturbance.

The council's Highway Development team has raised no issues with the proposed development and the potential increase in traffic movements to and from the site. The site is already used on a daily basis for its recreational and commercial functions and it is considered that the siting of 12 cabin units will not significantly increase traffic movements along Butterwick Road. The existing vehicle access to the site is located before residential properties

along Butterwick Road and 22 metres from the nearest property to the access road, namely Belldene. Taking into account the separation distance of the existing vehicle access to neighbouring properties and the site currently being used by visitors on a daily basis it is considered that there will not be a significant increase in the number of vehicles accessing the site.

It is noted that two major gas pipelines run under the application site in an east to west direction. The Asset Protection Team at National Grid has confirmed that the risk of the proposed development to these gas networks is high. The Health and Safety Executive has advised that the proposed development is acceptable on safety grounds, taking into account the location of the gas pipelines under the site. The Plant Protection Team at National Grid has raised no objections to the proposed development as their apparatus is not affected by the proposed development. National Grid has provided a document for working within the vicinity of pipelines and extensive comments. These comments and document will be attached as an informative to any planning permission granted for the proposed development.

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 shall be carried out in accordance with the amended details received by the local planning authority on 15 September 2008.

Reason

To define the terms of the permission and to help ensure the development is in keeping with its surroundings in accordance with policy DS5 of the North Lincolnshire Local Plan.

3.

No development shall take place until a scheme for the disposal of foul and surface water has been agreed in writing by the local planning authority and none of the

dwellings shall be occupied until it is connected to the approved drainage system.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

4.

Development shall proceed fully in accordance with the mitigation measures (for example, finished floor levels) set out in the approved flood risk assessment, and the applicant shall confirm completion of the approved scheme in writing within one month thereafter.

Reason

To reduce the potential impact of flooding in accordance with policy DS16 of the North Lincolnshire Local Plan.

5.

Nothing other than uncontaminated excavated natural material from the original excavation of the fish ponds shall be used for infilling.

Reason

To prevent pollution of the water environment to comply with policies DS1, DS11 and DS15 of the North Lincolnshire Local Plan.

6.

Prior to the cabin style caravans being brought into use, the existing access and parking shall be improved 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 policies T2 and T19 of the North Lincolnshire Local Plan.

7.

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.

8.

The use of the site shall be for short-term holiday lets only and no caravan shall be occupied on the site for more than 28 consecutive days in any 12 month period.

Reason

The site is for holiday lettings only and is inappropriate for permanent residential development, being within the open countryside (policy ST2 of the North Lincolnshire Local Plan).

9.

The cabin-style caravans shall not be occupied as a person's sole or main place of residence. Furthermore, there shall be no occupation of any of the units on the site between 1 December and 31 January.

Reason

Approval has only been given for holiday let accommodation, having due regard to facilities related to the site and the surrounding area to promote tourism. To approve permanent residential accommodation would be contrary to the provisions of policy ST2 of the North Lincolnshire Local Plan.

10.

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

Reason

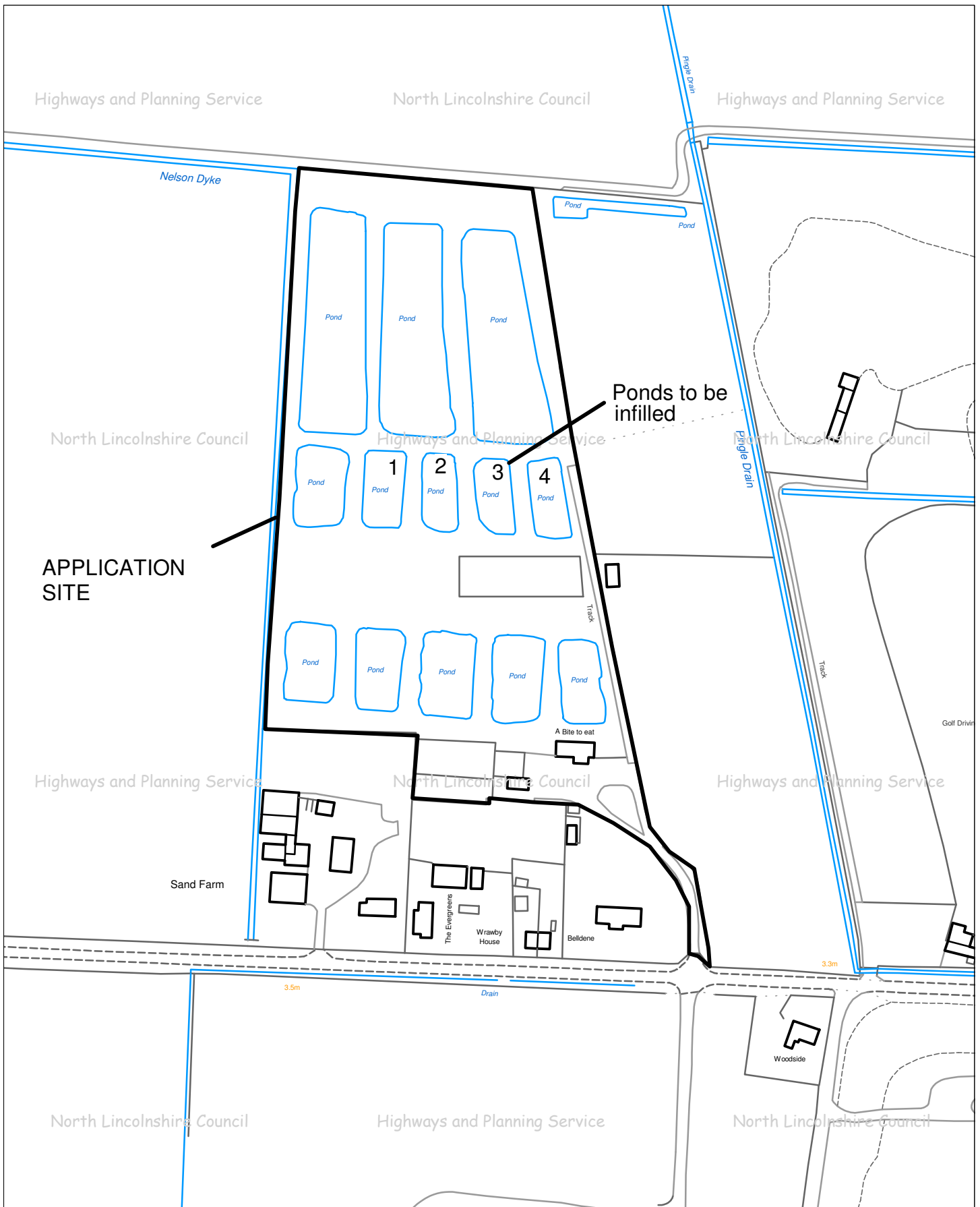
Approval has only been given for holiday let accommodation, having due regard to facilities related to the site and the surrounding area to promote tourism.

11.

No development shall take place until a biodiversity management plan has been submitted to and agreed in writing with the local planning authority. The agreed plan and restrictions shall be implemented in full, and the agreed features shall be retained thereafter, unless otherwise agreed in writing with the local planning authority.

Reason

To conserve important species and habitats in accordance with policies DS1, LC5, LC6 and LC12 of the Local Plan.



Drawing Title: 2008/1237 (Existing)

OS Grid Ref: SE86910449

Drawn by: SJ

Scale: 1:2,500

Date: 07/11/2008



Based upon the Ordnance Survey mapping with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown Copyright.

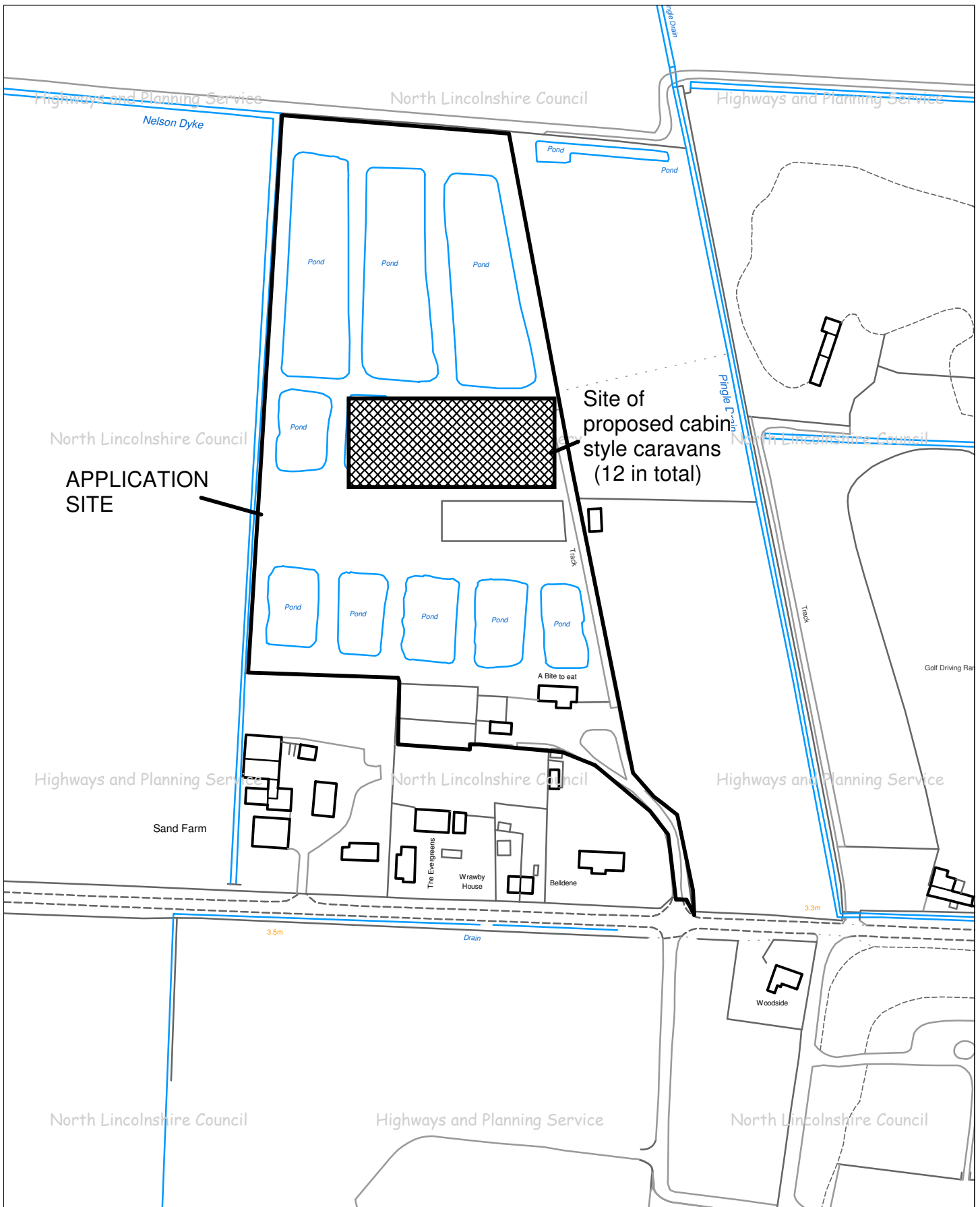
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

NORTH LINCOLNSHIRE COUNCIL 100013349 2008



Highways and Planning Service

**Service Director,
G Popple**



Drawing Title: 2008.1237 (proposed)

OS Grid Ref: SE86920447

Drawn by: SJ

Scale: 1:2,500

Date: 07/11/2008



Based upon the Ordnance Survey mapping with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown Copyright.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

NORTH LINCOLNSHIRE COUNCIL 100013349 2008



Highways and Planning Service

Service Director,
G Popple

The Ordnance Survey map data included within this publication is provided by North Lincolnshire Council under license from Ordnance Survey in order to fulfil its public function to act as a highways and planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to license Ordnance Survey map data for their own use.