

APPLICATION NO	PA/2015/0651
APPLICANT	Mr & Mrs Iain Gouldthorp
DEVELOPMENT	Planning permission for change of use to form a petting zoo, associated parking, access and café
LOCATION	Grange Park Aquatics, Butterwick Road, Messingham, DN17 3PL
PARISH	Messingham
WARD	Ridge
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Councillor Neil Poole – significant public interest)

POLICIES

National Planning Policy Framework: Paragraph 14 states that at the heart of the NPPF 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 28 states that to promote a strong rural economy, local and neighbourhood plans should 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.

Paragraph 65 states that local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.

Section 10 (Meeting the challenge of climate change, flooding and coastal change) states that inappropriate development in areas at risk of flooding should be avoided by directing development from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

North Lincolnshire Local Plan: Policies DS1, DS9, DS11, DS16, RD2, T1, T2 and T19 apply.

North Lincolnshire Core Strategy: Policies CS1, CS2, CS3, CS5, CS15 and CS19 apply.

CONSULTATIONS

Highways: No objection. Recommend conditions relating to the method of constructing the access road and car park, prohibiting loose material on the surfacing of the access road within 10 metres of the public highway and requiring parking, turning and servicing areas to be completed prior to the petting zoo coming into use.

Environment Agency: No objection, but recommends a condition requiring the development to be undertaken in accordance with the mitigation measures set out in the Flood Risk Assessment, particularly in relation to the identification of safe routes and an evacuation plan.

Environmental Health: No objection, but recommends conditions relating to opening hours (10am to 6pm daily), number, type and gender of animals to be kept at the site, construction and site clearance hours, a scheme for the extraction/filtration of cooking odours, details of external plant/refrigeration/air conditioning, external lighting and disposal/storage of animal waste.

Health and Safety Executive: Response generated by the Planning Advice Web Application which advises on safety grounds against the granting of planning permission in this case. This advice is based on scenarios of between 1-100 people and 101-1000 people visiting the site at any time.

National Grid: There is a national gas transmission pipeline and associated equipment within the vicinity of the site. The response contains general advice for works undertaken prior and during development.

MESSINGHAM PARISH COUNCIL

No objection.

PUBLICITY

Neighbouring properties have been notified and a site notice posted. Thirteen letters of objection (three from the same address, three from the Green Party and one from People for the Ethical Treatment of Animals) have been received raising the following issues:

- rabbits and guinea pigs don't belong in a zoo
- proximity to residential properties
- increase in traffic, congestion and noise
- the approach road is narrow and in poor condition
- farm traffic uses local roads
- Butterwick Road is already used by a number of HGVs and large vehicles
- parking shouldn't take place in the highway
- there are no public footways to the site

- noisy animals close to houses
- food and waste should be stored to prevent vermin and odour
- animals may escape
- devaluation of property prices
- if unsuccessful, the land should be restored to paddock
- stress and welfare of animals
- encourages purchases of exotic animals, resulting in unwanted pets
- animals should not be kept for entertainment purposes
- the site is too small
- animals should have larger enclosures
- this area has intensified with a number of different uses over recent years
- it is a step too far
- impact on amenity
- noise will be encountered throughout the day
- no need for a café
- works to the proposed access have already been undertaken
- noise/disruption/dust during construction
- invasion of privacy
- there are existing tourist facilities within North Lincolnshire which are more appropriate to accommodate this development
- potential for future housing site
- spread of disease
- impact on animal behaviour
- animals shouldn't be kept in captivity
- health and safety issues of having a café within a zoo
- conifers shouldn't be planted along the boundary – maintenance issues and would block light
- the width of proposed access is not adequate

- visibility from the access could be obscured onto Butterwick Road
- hours of operation may not be followed by the site operators
- too many animals in a small area
- external lighting and amenity issues.

ASSESSMENT

The application site consists of an area of former paddock land which is located to the rear of a number of residential properties on Butterwick Road. The site is located in the open countryside and in 2008 planning permission was granted for change of use to cabin-style static caravans. It is located directly to the south of a commercial pond and aquatics business and to the north of a camping site known as Pine Lodges, which forms part of Grange Park. The site is bordered by a conifer hedge to the south, north and north-western boundaries and by a large detached garage to the south. The site is located within flood zones 2/3(a) as defined in the North Lincolnshire Strategic Flood Risk Assessment. The aim of the animal centre would be to educate the public in the care and husbandry of the exotic animal sector.

The main issues in the determination of this planning application are the principle of development, its impact on residential amenity and highway safety, flood risk and health and safety.

Principle of development

The proposal is for the change of use of a former paddock and aquatics business to form a petting zoo with associated access and parking area. A tea room with toilets and gift shop, and potential provision for holding children's birthday parties, is also proposed. Policy RD2 (Development in the Open Countryside) of the North Lincolnshire Local Plan applies and states that development in the open countryside will be strictly controlled and planning permission will only be granted for development which, amongst other things, is essential for the provision of outdoor sport or countryside recreation. Policy R13 (Tourism) supports the provision of new visitor facilities at a locally appropriate scale and which provides for visitor enjoyment of the countryside. The proposal will re-use a vacant site in the countryside and provide a facility which will allow visitor enjoyment of the countryside. The proposal is not considered to prejudice the character and appearance of the countryside by virtue of its scale, form or massing. The largest of the buildings (the café/shop) measures 15.8 metres by 12.3 metres with a ridge height of 2.4 metres. This will not be visible from the wider countryside as it will be screened by the existing conifer hedges. The buildings and structures within the site will be effectively screened by existing hedges, thereby not resulting in an alien or discordant development in the open countryside. In conclusion, impact on the surrounding area (in terms of built development) and the open countryside will be limited.

The National Planning Policy Framework (NPPF), at paragraph 28 (Supporting a prosperous rural economy), states that planning policies should support economic growth in rural areas and support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings. It is worth noting that the NPPF doesn't discriminate between specific types of new enterprise being proposed in rural areas, save that the proposal is

sustainable and well designed. The proposed petting zoo will be located close to a number of businesses established within the open countryside; these include a caravan park, fishing lakes, golf course, tennis courts and golf driving range, all of which are established along Butterwick Road. Petting zoos are a facility which requires a large open space for the provision of animal enclosures and associated parking, and are typically located outside defined settlement limits. This site is considered appropriate for the proposed change of use. In addition, petting zoos and zoos frequently have refreshments or cafés associated with them; these uses are not considered to conflict with one another. The applicant anticipates the creation of three FTE jobs.

Matters relating to impact on amenity and highways arising from the proposed development will be assessed in subsequent sections of this report.

Residential amenity

The change of use is proposed to the north of five residential properties, including the applicant's house. The first matter to consider is the proposed use and hours of operation. The application form states the proposed opening hours (open to the public) are 10am to 6pm on a daily basis, including Sundays and bank holidays. The proposed hours of opening are considered to be during social hours of the day, reducing the potential for noise and general disturbance to neighbouring residential properties (i.e. outside of social hours). Environmental Health has raised no objections to the proposal and recommend a number of conditions, including two relating to hours of operation and deliveries. These conditions are considered sufficient to protect residential amenity in this case.

Issues relating to noise and odour have been considered by Environmental Health. Conditions are recommended relating to the method of waste storage and disposal, and specifically in relation to the type, number and gender of animals to be kept at the petting zoo. The applicant has revised the layout of the site and located the quieter animals (rheas and wallabies) along the southern boundary; this is consistent with the advice from Environmental Health.

Inevitably there will be some disruption to neighbouring residential properties during the construction period. However this level of disruption will be short-term and will not harm the long-term amenity of the area. No details of external lighting have been submitted with the planning application, and a condition is recommended by Environmental Health requiring details of external lighting to be provided for consideration; this will allow the local planning authority to ensure the lighting doesn't impact on residential amenity. In conclusion, it is considered that conditions recommended by Environmental Health (in respect of opening and delivery hours; number, type and gender of animals to be kept at the site; construction and site clearance hours; a scheme for the extraction/filtration of cooking odours; details of external plant/refrigeration/air conditioning; external lighting; and disposal/storage of animal waste) are sufficient to protect residential amenity in this case.

The plans show that the separation distance from the southern boundary of the site to the nearest residential property is 20 metres; in addition, there is a detached garage and stable block which acts as a screen between the site and the residential house known as The Evergreens.

Highways issues

In assessing the proposal, regard must be given to highway and pedestrian safety. Policy RD2 of the North Lincolnshire Local Plan seeks to ensure that the development would not be detrimental to highway safety. Highways have no objections on highway or pedestrian safety grounds or to the width of the proposed vehicular access. Conditions are recommended in relation to the method of constructing the access road and car park, no loose material being used in the surfacing of the access road within 10 metres of the public highway, and the petting zoo not coming into use until the parking, turning and servicing areas are completed. There is sufficient space to the eastern part of the site to accommodate the projected volume of traffic and the width of the proposed access road (5.2 metres) is sufficient to allow vehicles to safely pass alongside each other. There is no requirement for vehicles to be parked within or adjacent to the public highway (Butterwick Road) as there is sufficient space within the proposed parking area.

Flood risk

The site is located within flood zones 2/3a of the North Lincolnshire Strategic Flood Risk Assessment. The proposal is for the change of use of the land for a petting zoo with associated café, shop and parking. A flood risk assessment (FRA) has been submitted with the planning application, which the Environment Agency has considered and raised no objection to, subject to a condition requiring the development to take place in accordance with the mitigation measures set out in the FRA. The proposal is for a petting zoo, which is classed as a 'sui generis' use in the Use Classes Order 2015. Therefore the proposed use of the site as a petting zoo doesn't fit precisely within the flood risk vulnerability classifications identified in the Planning Practice Guidance. However the petting zoo is considered to be comparable to that of an assembly and leisure use as identified in the Planning Practice Guidance. By applying the flood risk vulnerability against the level of flood risk the development is considered to be appropriate in flood risk terms.

Other issues

A number of issues have been raised in relation to animals being kept in captivity, animal welfare, space standards, spread of disease and animal behavioural impacts. All of these issues will be regulated by licence with the local authority; the Secretary of State is responsible for inspecting the sites. The operation of a petting zoo and the protection of animals are regulated under the Zoo Licensing Act. Devaluation of property prices is not a material planning consideration and will not be assessed in this case.

Health and safety

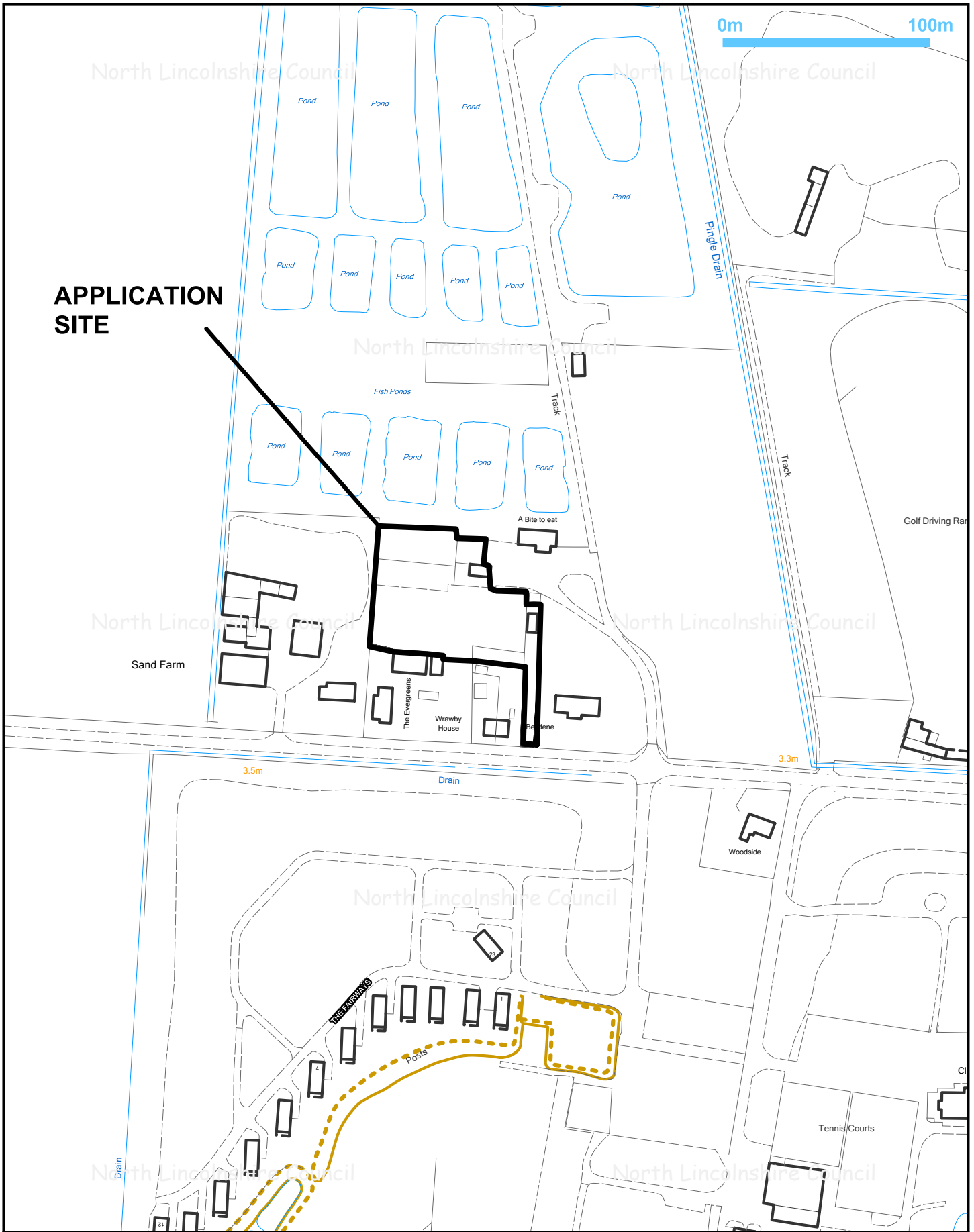
The site is located to the south of a major gas transmission pipeline which runs in an east to west direction towards the River Trent. National Grid and the Health and Safety Executive (HSE) have been consulted on the planning application, no objections have been received from National Grid. The consultation response from the HSE is generated from a computer modelled Planning Advice Web Application which local authorities use data entry to generate a response. Based on two scenarios of between 1-100 people and 101-1000 people being present at the site at any time, the HSE advises on safety grounds against the granting of planning permission in this case, owing to the proximity to this gas pipeline and the proposed use. Based on the consultation response from the HSE and the potential risk to the public, refusal of planning permission is recommended in this case.

RECOMMENDATION Refuse permission for the following reason:

The site is located to the south of a high pressure gas pipeline operated by National Grid. The proposed development would introduce a significant number of people into a risk area surrounding a hazardous pipeline, resulting in potential public safety issues. Accordingly the proposal is considered contrary to policy DS9 of the North Lincolnshire Local Plan.

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.



Title: PA/2015/0651		
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PA/2015/0651 Proposed Layout Not to scale

Grange Park Fisheries.

Scale 1:200.

Sands Farm Piggeries.

