

<b>APPLICATION NO</b>	<b>PA/2016/314</b>
<b>APPLICANT</b>	Mr Ian & Mrs Alexandra Gouldthorp
<b>DEVELOPMENT</b>	Planning permission for change of use to form a petting zoo, associated parking, access and café
<b>LOCATION</b>	Grange Park Aquatics, Butterwick Road, Messingham, DN17 3PL
<b>PARISH</b>	Messingham
<b>WARD</b>	Ridge
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Messingham Parish Council

## **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.

## **Housing and Employment Land Allocations DPD**

## CONSULTATIONS

**Highways:** No objection, but recommend conditions in respect of no loose material within 10 metres of the adopted highway, the parking and turning facilities not being brought into use until the vehicular access has been completed and the petting zoo not being brought into use until the vehicular access, parking, turning and servicing areas have been completed in accordance with the approved details.

**Environmental Health:** No objection, but recommend 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, delivery 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.

**Environment Agency:** No objection, but recommend that the development takes place in accordance with the mitigation measures set out in the Flood Risk Assessment, particularly in relation to the identification of safe access and egress routes.

**Health and Safety Executive:** Having considered the details of the planning application, and following a site visit with the applicants, it is advised, on safety grounds, not to object to the granting of planning permission.

**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. No objection.

**Tree Officer:** No objection.

## PARISH COUNCIL

Object on the following grounds:

- loss of amenity to neighbouring properties
- access and egress for a large number of vehicles
- increased traffic along Butterwick Road resulting in the road condition deteriorating
- concern about escape of animals
- noise from motorcycles at Kieradan Park will affect the animals' behaviour resulting in additional noise.

## PUBLICITY

Neighbouring properties have been notified and a site notice posted. Nine letters of objection (two from the same address, one from the Green Party) have been received raising the following issues:

- animals should not be used for entertainment
- animal welfare

- zoos are not an appropriate environment for wild animals
- it will encourage wild animals as pets
- stress caused to animals in captivity
- spread of disease
- no need for another café
- space requirements for animals
- flashes from cameras will cause disturbance to the animals
- noise during construction
- no respite for local residents as a result of proposed opening hours
- unsafe approach road
- the waste disposal method is inadequate
- Butterwick Road has a heavy footfall of traffic
- the entrance to the proposed facility is difficult to find
- no restriction on the number of people using the proposed facility
- noise will be experienced at all times of the day
- vermin and odour
- light pollution, particularly during the winter months
- loss of residential amenity
- over-development
- surface water run-off issues
- traffic could queue on entering the site
- devaluation of property prices
- animals may escape
- poor road condition
- insufficient parking
- a number of similar attractions already exist in the area
- proximity to high pressure pumping station and gas pipelines

- boundary of objector's garden backs onto the site
- the applicants objected to previous development proposals on this land
- objector doesn't want conifers planted along the boundary
- proposal represents a statutory noise nuisance
- access road is too narrow.

## **ASSESSMENT**

The application site consists of an area of land extending to 0.372 hectares 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.

This planning application is a resubmission of planning application PA/2015/0651 which was refused at the planning committee meeting in February 2016 on safety grounds owing to the proximity to a major gas pipeline.

**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 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 applicants anticipate the creation of three FTE (full-time equivalent) 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 applicants' 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 recommends 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 applicants have arranged the layout of the site to ensure the quieter animals (rheas and wallabies) are located close to 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 and to ensure that the development doesn't result in unnecessary lighting up of the night sky. 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 approximately 12 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. The proposed site plan drawing shows the provision of planting along the southern boundary with the garden of The Evergreens. Notwithstanding the concerns of this objector at this neighbouring property it is considered prudent to recommend a condition that a soft landscaping scheme be submitted for consideration; this will allow some screening and affords some protection to the amenity of local residents.

### **Highway 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, fear of animals escaping and animal behavioural impacts. All of these issues will be regulated by licence with the local authority. The operation of a petting zoo and the protection of animals are regulated under the Zoo Licensing Act. Devaluation of property is not a material planning consideration and will not be assessed in this case. It is noted there are a number of other facilities in the local area which make provision for the care and viewing of animals, however the existence of other local attractions is not a material issue as to why an additional facility of this nature is not acceptable 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. Following a site visit with the applicants (which took place prior to the resubmission of this planning application), the HSE has removed their previous objection and doesn't advise, on safety grounds, against the granting of planning permission in this case. The response has been revised on the grounds that the total site area is not being used for the petting zoo and car parking is provided as part of the 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 hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, Existing site plan, Proposed site plan, Rhea Enclosure, Raccoon Dog and Coati Enclosure, Meerkat Enclosure, Multi-use House drawing, Wallaby and Porcupine Shelter, Kinkajou and Skunk Enclosure, Tortoise House, Rabbit and Guinea Pig Hutch, Café, Shop and Toilet Building and Car Parking Plan received on 5 April 2016.

#### Reason

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

3.  
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.

4.  
The proposed new vehicle parking and turning facility shall not be brought into use until the vehicular access serving it has been completed within highway limits.

#### Reason

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

5.  
The proposed new unit shall not be brought into use until the vehicle access to it and the vehicle parking, turning and servicing areas serving it have been completed in accordance

with the approved details. Once complete the vehicle parking, turning and servicing areas shall be retained.

Reason

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

6.

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.

7.

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 ensure the implementation and maintenance of the submitted scheme of landscaping for the proposed development.

8.

The design of the development shall incorporate all the mitigation and flood evacuation measures identified in the agreed flood risk assessment received on 18 June 2015.

Reason

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

9.

The hours of opening to the public shall be restricted to 10am to 6pm Monday to Sunday, including public/bank holidays.

Reason

To define the terms of the permission and to safeguard the residential amenity of nearby residential properties in accordance with policies RD2 and DS1 of the North Lincolnshire Local Plan.

10.

Only the species named shall be kept on site with the stated maximum number and gender:

- Wallabies (three, same sex)
- Rhea (three, same sex)
- Meerkats (seven, same sex)



- Prairie dogs (five, same sex)
- Yellow mongoose (three, same sex)
- Ferrets (three, same sex)
- Barn owl (one, male or female)
- Porcupine (one, male or female)
- Coatis (five, same sex)
- Raccoon (one, male or female)
- Skunk (one, male or female)
- Rabbits (ten, male or female)
- Guinea pigs (ten, male or female)
- Tortoise (three, male or female)
- Piglets (five, male or female).

No alternative species of animal shall be introduced to the site without the prior written approval of the local planning authority.

#### Reason

To define the terms of the permission and to safeguard the residential amenity of nearby residential properties in accordance with policies RD2 and DS1 of the North Lincolnshire Local Plan.

11.

All deliveries to the proposed development shall be restricted to the hours of 8am to 6pm Monday to Saturday.

#### Reason

To define the terms of the permission and to safeguard the residential amenity of nearby residential properties in accordance with policies RD2 and DS1 of the North Lincolnshire Local Plan.

12.

No development shall take place until a scheme for the extraction and filtration of cooking odours has been submitted to and approved in writing by the local planning authority. The scheme shall also provide details of the noise impact of any extraction and filtration system and the details of any noise mitigation measures necessary. The approved scheme shall be implemented prior to commencement of the use and maintained thereafter.

#### Reason

To ensure that an effective method of extraction is installed and to safeguard the residential amenity of nearby residential properties in accordance with policies RD2 and DS1 of the North Lincolnshire Local Plan.

13.

No plant for refrigeration, ventilation or air-conditioning shall be installed until the details have been submitted to and approved in writing by the local planning authority. The details shall include an assessment of likely impact of the plant on residential amenity, specifying noise output and any mitigation measures necessary. All plant shall be installed and maintained in accordance with the details approved by the local planning authority.

#### Reason

To ensure that the proposed plant and equipment does not result in noise disturbance to nearby sensitive receptors and to safeguard the residential amenity of nearby residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

14.

No external lighting of the site shall come into operation until details of this lighting serving the development hereby permitted are submitted to and approved in writing by the local planning authority. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the local planning authority gives its written consent to the variation.

#### Reason

To define the terms of the permission and to safeguard the residential amenity of nearby residential properties in accordance with policies RD2 and DS1 of the North Lincolnshire Local Plan.

15.

Animal waste shall be collected daily and placed in sealed bags from each enclosure and stored in a skip. The skip shall be emptied weekly by an accredited waste management licence holder. The skip shall be situated in the eastern corner of the site, adjacent to Lorry Body Storage 1 as shown on the Existing Site Plan submitted on 10 March 2016.

#### Reason

To define the terms of the permission, to ensure the timely disposal and removal of waste from the site and to safeguard the residential amenity of neighbouring residential properties, in accordance with policy DS1 of the North Lincolnshire Local Plan.

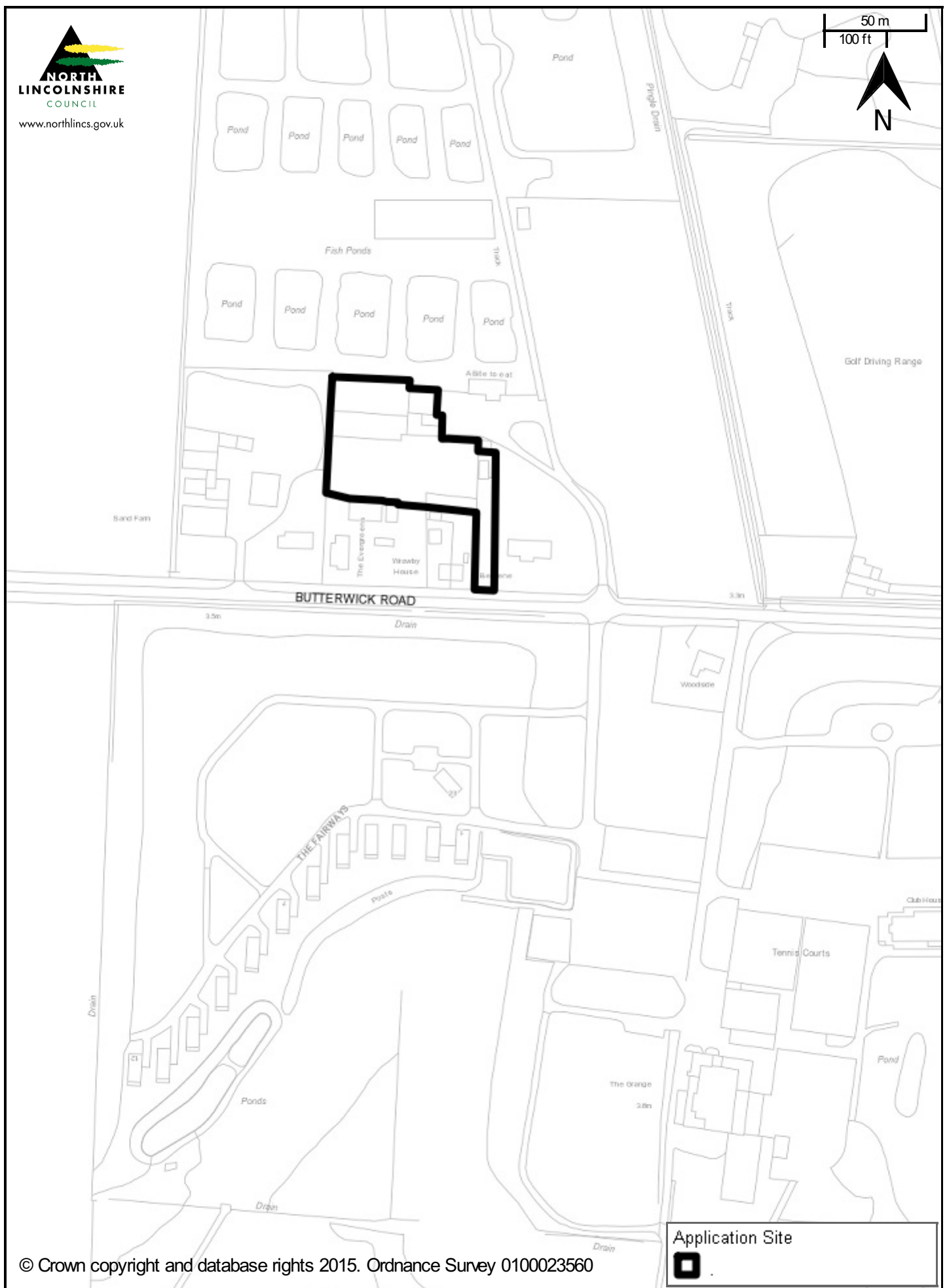
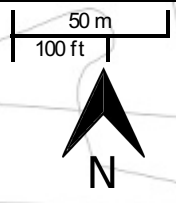
#### **Informative 1**

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

#### **Informative 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.



Application Site 

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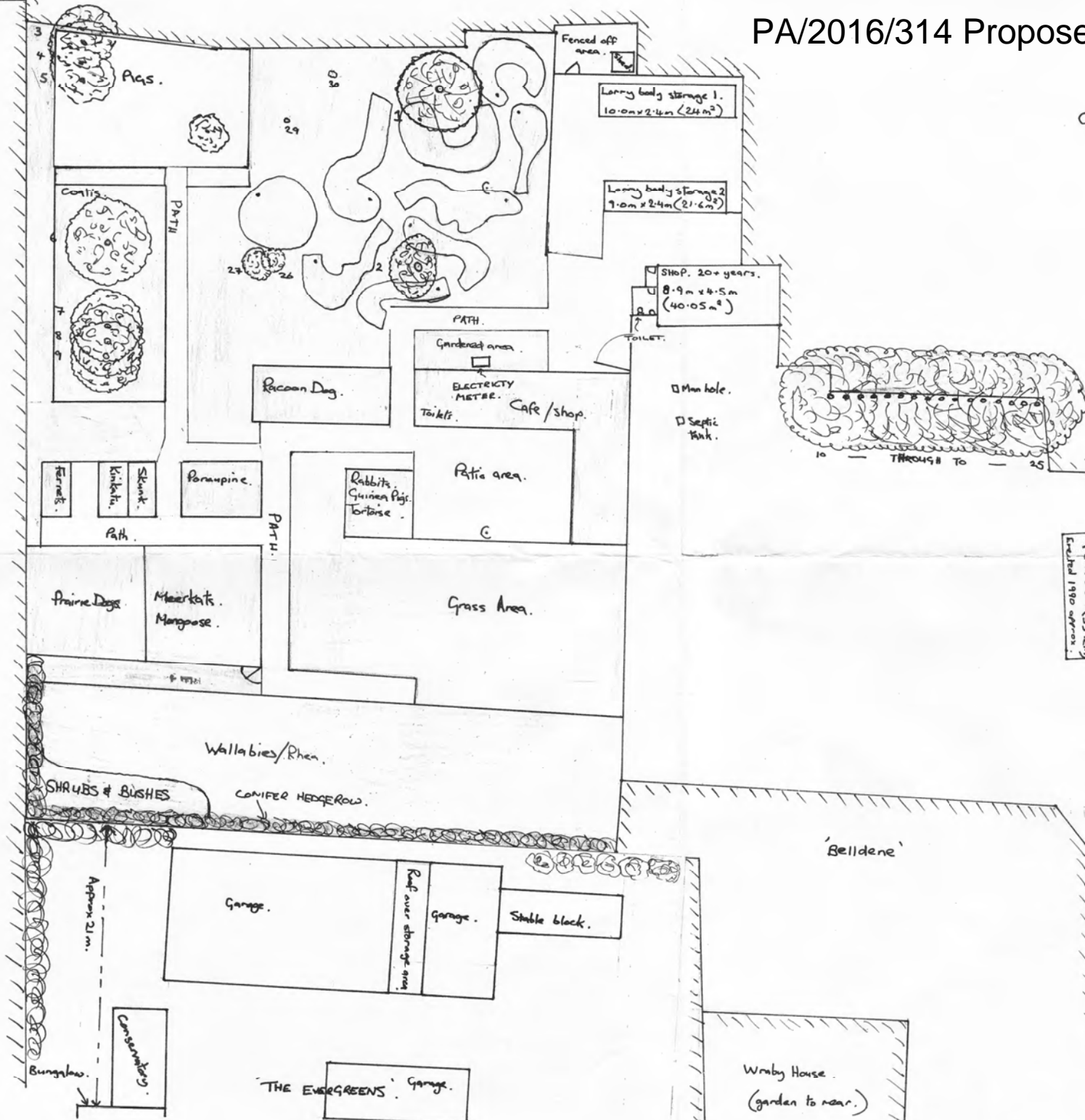
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Grange Park Fisheries.

'Sands Farm Piggeries'



DEVELOPMENT CONTROL SECTION  
- 1 MAR 2016  
DATE RECEIVED

STABLE BLOCK.  
9.1m x 5.6m (51.0m²)  
Erection 1980 approx.

