

<b>APPLICATION NO</b>	<b>PA/2017/1990</b>
<b>APPLICANT</b>	Mr K Philips
<b>DEVELOPMENT</b>	Planning permission to erect a building for use as a play barn with associated works including a new car parking area
<b>LOCATION</b>	Shepherds Place, Akeferry Road, Westwoodside, Haxey DN9 2NF
<b>PARISH</b>	Haxey
<b>WARD</b>	Axholme South
<b>CASE OFFICER</b>	Tanya Coggon
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Haxey Parish Council

## **POLICIES**

### **National Planning Policy Framework:**

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

Paragraph 14: 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 17: Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking.

Paragraph 28 states that to support a strong rural economy local and neighbourhood plans should support the sustainable growth of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings.

Paragraph 100: Inappropriate development in areas at 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.

Paragraph 109: The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.

Paragraph 131: In determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution

that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

**North Lincolnshire Local Plan:**

DS1 (General Requirements)

DS11 (Polluting Activities)

DS16 (Flood Risk)

RD2 (Development in the Open Countryside)

LC14 (Area of Special Historic Landscape Interest)

T2 (Access to Development)

**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)

CS6 (Historic Environment)

CS15 (Culture and Tourism)

CS16 (North Lincolnshire's Landscape, Greenspace and Waterscape)

CS19: (Flood Risk)

**CONSULTATIONS**

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

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

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

**Archaeology:** No objection.

**Environmental Health:** Views awaited.

**PARISH COUNCIL**

The parish council strongly objects to this application with the following comments:

The agent appears to make inaccurate or misleading comments in his design and access statement (D.A.S). We also note the planning officer gives certain advice which appears to

support the application long before it has gone through all the democratic processes, giving the impression that permission should be granted. The site is, as stated, in the open countryside and subject to NLC local planning policy. It is inaccurate to say Graizelound is part of the village of Haxey, it is quite separate and forms part of Haxey parish. It is classed as a rural settlement and subject to limited development - CS1. Graizelound does not have any of the facilities described in the D.A.S and relies on the facilities in Haxey and Westwoodside, which are some distance away and would have little or no benefit in increased use of the site as suggested in the D.A.S. The site itself was agricultural land, which has been developed much against the continued views of the parish council. It has been subject to several planning applications, which all too often have been retrospective and the site currently has permission for more time to build a dwelling house by allowing extended domestic occupation of the garage granted under PA/2016/1243 based on not having the required funding to complete the house. While it has gained permission for an animal petting centre, this has meant some ancillary buildings and pens have sprawled into what is the open countryside on the site. The proposed site of the play barn is described as a "brown field" site, which is totally inaccurate and in common with the whole site it is outside the building envelope of the hamlet. It is clear this barn means further sprawl into the open countryside and while it may be within the curtilage of the site, it is pushing back from the main buildings. Whilst the land may have the appearance of derelict land, its status cannot be classed as brown field and we feel this is totally misleading. The site remains subject to the Rural Development section of the local plan. Access is via the A161 from the M181 to the north and Gainsborough to the south, this route is heavily policed and apart from a section of a few hundred yards to the north of Belton and to the south, the A161 again is subject to varying speed restriction, this in part due to the road passing through several villages and a number of accident black spots, which include the crossroads at Graizelound. All other routes are B roads and again tend to have speed restrictions. In particular the B1396 to Doncaster, which has speed restriction for road safety. The bus services are typically rural which means they are extremely limited and offer little use in reaching the site as a destination for a meaningful day out. We conclude therefore that the statement of the view of "benefits from excellent infrastructure" would not be shared by local residents along the routes. It does not accord with CS2 of the local plan. The D.A.S policy DS3 in terms of site security, we find a somewhat minor point to the overall planning request, but recognise the need for good site safety. The proposal does not accord with local plan policy CS3 RD2, as we consider this is not a rural pursuit. The RD section restricts development in the open countryside and we view this development as not conforming to the RD section of the local plan. It is a large building which is over 6 metres high and will house an indoor children's play area, general seating and party rooms very similar to those found in the local towns and is wholly indoors. In this respect we feel it does not encourage any outdoor pursuit and fails to offer anything different that can be seen as essential to country life and does not require a countryside setting CS1. It will generate unnecessary traffic and be out of place in its environment and while the construction, it is said, is similar to modern agricultural barns, this is subjective and it could be argued it is similar to a modern industrial unit and we believe again out of place in this environment, as there are no similar buildings close by. Moreover, its viability will depend largely on people from the larger conurbations where these facilities already exist. The very nature of rural communities is that there are less people spread more widely and therefore this business will rely on people travelling, placing further pressure on the road network. The local plan encourages development that is sustainable in transport terms for local employment, there appears little benefit in employment and it can only increase pressure on the transport system. Support for such a development will rely heavily on visitors travelling from the larger conurbations, as already stated these facilities already exist. It

should also be noted the local villages support a number of play parks, which are in the open and encourage children to play outside and while it may provide some facilities for local people, by its nature, the need will be limited. We have always had concerns about the sustainability of this development and this application only heightens our concerns and in particular the ability to vacate the garage which is currently being used as accommodation and return it to its permitted use. In our opinion, the extant planning application to build the house should be completed before any other application for further development of the site is considered. We do not know what emergency first aid facilities exist and while play facilities usually have a high standard of safety measures, there is no indication that this is the case on this site; moreover, in the event of a serious accident we are concerned by the response times for ambulances, as it is a considerable distance from the nearest accident and emergency unit.

## **PUBLICITY**

Advertised by site and press notice. No comments have been received.

## **ASSESSMENT**

### **The site**

The site is located in the open countryside and within an Area of Historic Landscape Interest. It is surrounded by farmland to the north, south and west. To the east is a railway embankment. Some residential properties are located to the north and east of the site. The site is a rare breeds centre and is a tourist attraction in the Isle of Axholme. The site is located within flood zone 2/3a and is therefore at high risk of flooding.

**The main issues associated with this proposal are whether it is acceptable in planning policy terms, and if so, whether its impact on the amenity of the locality, on the landscape, on neighbours, on the highway and in terms of flood risk is also acceptable. The parish council's comments will also be addressed in this report.**

### **The proposal**

The proposal is for the erection of a play barn and associated car parking area. The play barn will be located to the southern area of the site adjacent to the railway embankment. The play barn will be approximately 610 square metres and will comprise a main equipment play area, general seating area, party rooms, offices, kitchen, WCs and entrance lobby. The play barn will be 20.5 metres wide, 31.6 metres deep and a maximum height of 6.3 metres. The play barn will be constructed from brick and grey composite panels. The car parking area will be located in between the play barn and an existing building and will contain 23 car parking spaces.

### **Principle**

The site is located outside the development boundary of Westwoodside, within the open countryside. The site is used as a rare breeds centre and is a tourist attraction. There are various buildings already located on the site including a temporary dwelling, shop, café and general farm buildings. In terms of guidance in the National Planning Policy Framework (NPPF), policies CS1, CS2, CS3 and CS15 of the Core Strategy and policy RD2 of the North Lincolnshire Local Plan, this facility to expand the existing tourist attraction on the site

is considered to be acceptable in principle and is supported through this guidance and policies stated above.

### **Impact on neighbours**

In terms of impact on neighbours, the nearest neighbour is almost 70 metres from the application site. Following concerns from Environmental Health, a noise report has been submitted, but does not adequately address potential noise from the development. Environmental Health have therefore requested another noise assessment, and a contamination report, be submitted to the local planning authority for approval and conditions requiring this are proposed.

In terms of the visual impact of the building, it will be visible from some neighbouring properties but will be partially shielded by the existing buildings on the site and the railway embankment. The play barn is set well back from Akeferry Road and there would be no demonstrable loss of residential amenity to adjacent properties. The proposal therefore accords with policies DS11 and DS1 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

### **Impact on amenity of the locality and the landscape**

In terms of impact on the amenity of the locality and on the landscape, it is accepted that the building will be visible within the locality and on the landscape. The landscape is a designated LC14 (Area of Special Historic Landscape Interest) site. However, the building has been designed to resemble an agricultural barn which is an acceptable design in the open countryside. There are other similarly designed barns located in the vicinity within the Isle of Axholme. The building has been sited adjacent to other buildings already located on the site and adjacent the railway embankment which lies to the east of the application site. This railway embankment shields the building from wider views to the east of the site. The council's Historic Environment Officer also considers that the proposal will not have an adverse impact on the Area of Special Historic Landscape Interest (LC14) and the design of the play barn and materials are also considered to be acceptable. The proposal therefore accords with policies CS6 of the Core Strategy and LC14 of the North Lincolnshire Local Plan.

### **Impact on the highway**

In terms of highways, a new car parking area is proposed adjacent to the play barn for customers to use. The existing access on Akeferry Road will be utilised to serve this development. Highways consider the proposed access and car parking arrangements to be acceptable and raise no objection to the proposal. The proposal therefore accords with policies T2 and T19 of the North Lincolnshire Local Plan.

### **Flood risk**

In terms of flood risk, the site is located in flood zones 2/3a and is therefore at high risk of flooding. The development is considered to be 'less vulnerable' in terms of flood risk. The sequential test has to be applied in accordance with paragraphs 100–103 of the NPPF. In terms of the sequential test the development has to be located on this site and there are no areas within the site at a lower risk of flooding. The sequential test is therefore passed. For this type of development the exceptions test is not required. The applicant has submitted a Flood Risk Assessment with the application and the Environment Agency has raised no

objection to the proposal subject to a condition which will be imposed on the planning permission. The development is therefore considered acceptable and safe in terms of flood risk and accords with policies CS19 of the Core Strategy and DS16 of the North Lincolnshire Local Plan.

### **Parish council's comments**

The parish council's comments are noted. The site is located within the open countryside and planning permission has been granted for a rare breeds centre and various other buildings have been approved on the site. The play barn will attract additional visitors to the site and will provide an indoor area for customers offering protection from the elements in bad weather. This rare breeds centre has become a tourist attraction. Policies CS1, CS2, CS3 and CS15 of the Core Strategy and RD2 of the North Lincolnshire Local Plan support tourist-related development in the open countryside and this proposal will provide benefits to the rural economy. As a result the proposal is supported in planning policy terms.

In terms of sustainability, it is accepted that there are limited public transport links to the site. However, the site is accessible by walking and cycling. The rare breeds centre could only realistically be located in the open countryside due to the type of activities and land required. There is potential for linked trips to take place with visitors using other services and facilities within the Isle of Axholme. The comments made in relation to previous applications on the site are noted but are not material to this application. The site is located in the open countryside but this does not render the development unacceptable as this type of development is considered to be acceptable in the open countryside. The play barn is located close to adjacent buildings and is partially shielded by the railway embankment to reduce its visual impact on the rural area. The siting of the play barn is considered to be acceptable.

In terms of access to the site, this is considered to be acceptable under policies DS1 and T2 of the North Lincolnshire Local Plan and Highways have raised no objections to the proposal. The access and parking arrangements are therefore considered to be safe and acceptable. Policies CS3 of the Core Strategy and RD2 of the North Lincolnshire Local Plan do permit tourist development in the open countryside. The play barn provides an alternative indoor facility to serve the tourist attraction and this type of facility can be found elsewhere on similar tourist attractions such as The Pink Pig. Planning conditions can be used to tie the play barn to the business to ensure it is not used as a separate business to the rare breeds farm. The design of the building is similar to an agricultural barn and is acceptable in planning terms. The issue of the sustainability of the development has been addressed earlier in this report. The issue of the first aid facilities is not a planning matter and is addressed in other safety legislation; the distance from Accident & Emergency is also not a planning issue.

### **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: 500.02, 500.01 and 500.03.

Reason

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

3.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

#### Part 1: Site Characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health;
  - property (existing or proposed), including buildings, crops, livestock, pets, woodland, and service lines and pipes;
  - adjoining land;
  - groundwaters and surface waters;
  - ecological systems;
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken,

proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

### Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

### Reason

To ensure that risks from land contamination to 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.

4.

The proposed play barn 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.

5.

No development shall take place until a strategy for the management of surface water drainage that includes the implementation of SuDS, and their adoption and maintenance arrangements, have been submitted to and approved in writing by the local planning authority. Thereafter the approved scheme shall be implemented in accordance with the

approved details and shall be completed prior to the occupation of the approved play barn, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing by the local planning authority.

#### Reason

To prevent the increased risk of flooding and to protect water quality, and to ensure the implementation, adoption and maintenance of 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.

6.

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) reference 500GRZL by Keystone Architecture and the following mitigation measures detailed within the FRA:

- finished floor levels set no lower than existing buildings
- incorporation of flood resilience measures as detailed in section 3.

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

#### Reason

To reduce flood risk in accordance with policies DS16 of the North Lincolnshire Local Plan and CS19 of the North Lincolnshire Core Strategy.

7.

The opening hours of the play barn shall be restricted to 10am to 4pm on any day.

#### Reason

To protect residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

8.

Before development commences on site, a noise impact assessment shall be submitted to and approved in writing by the local planning authority. The noise assessment shall be carried out with reference to:

- National Planning Policy Framework (2012);
- National Planning Practice Guidance (2014);
- BS4142:2014 Methods for rating and assessing industrial and commercial sound;
- World Health Organisation Guidelines for Community Noise (1999);
- World Health Organisation Night Noise Guidelines for Europe (2009);
- BS8233:2014 Guidance on sound insulation and noise reduction for buildings;

- BS7445-2:1991, ISO1996-2:1987 Description of environmental noise, Part 2: Guide to acquisition of data pertinent to land use.

The noise assessment report shall provide details of existing background noise levels, likely noise sources which will impact upon the proposed development, mitigation methods to be employed, and the resulting predicted level of noise at sensitive locations. The noise assessment shall include a noise management plan taking into consideration the potential for an increase in the activities on the application site and the distance to local residential properties.

**Reason**

To protect residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

**9.**

The play barn hereby permitted shall be tied to the existing business (rare breeds centre) located at Shepherds Place, Akeferry Road, Westwoodside and shall not be severed from this business or operated as a separate business at any time without the prior approval in writing of the local planning authority.

**Reason**

The site is located in the open countryside where development is strictly controlled. Planning permission has only been granted for this proposal as it is considered to be an expansion of an existing tourist attraction on the site in accordance with policy RD2 of the North Lincolnshire Local Plan and policies CS1, CS2, CS3 and CS15 of the North Lincolnshire Core Strategy.

**Informative 1**

The applicant's attention is drawn to comments made by the council's drainage team.

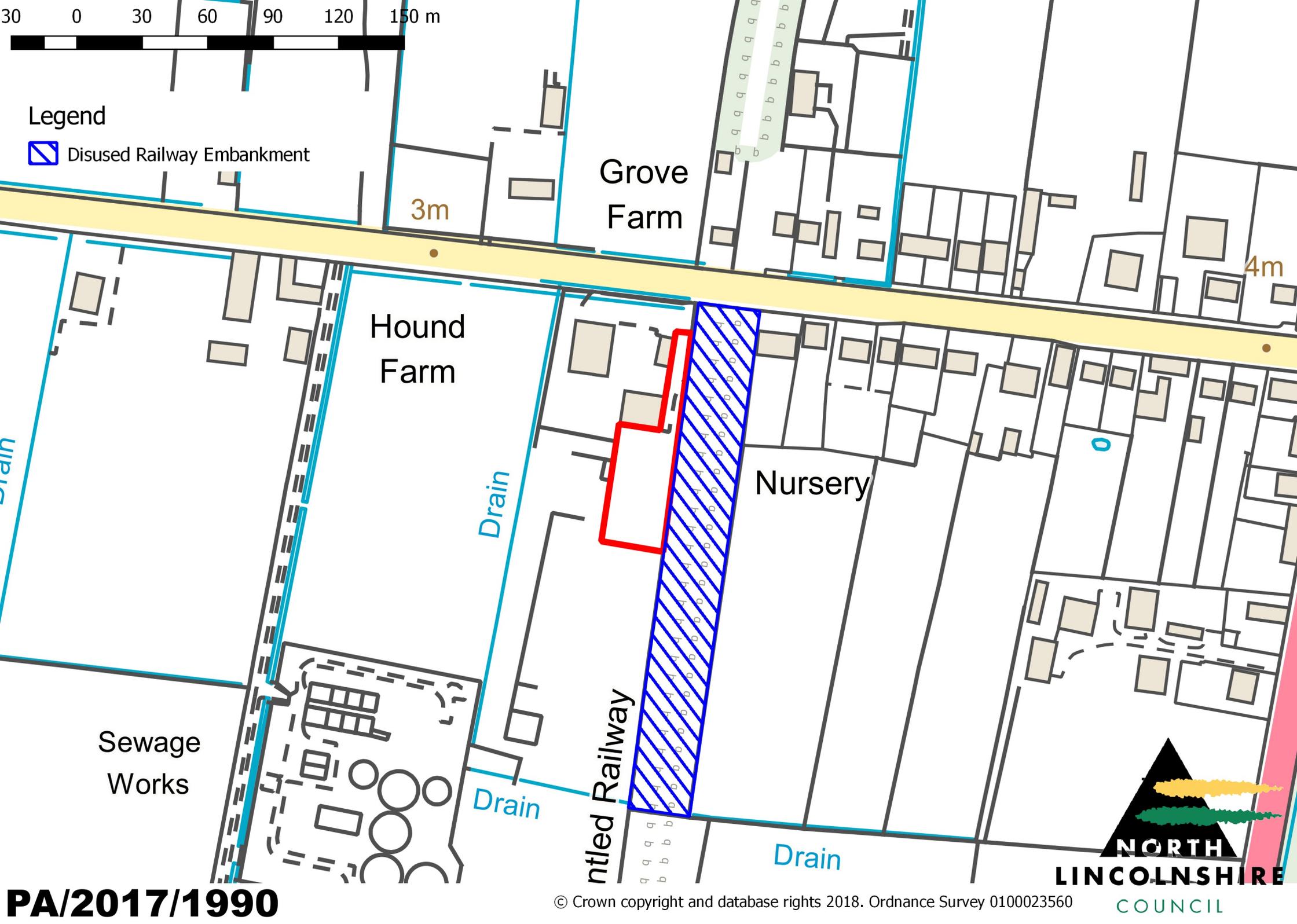
**Informative 2**

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.



Legend

 Disused Railway Embankment



3m

Grove Farm

4m

Hound Farm

Nursery

Sewage Works

Disused Railway

Drain

Drain

Drain



**PA/2017/1990**

