

APPLICATION NO PA/2017/481

APPLICANT Mr Phil King

DEVELOPMENT Planning permission to form a fishing pond

LOCATION Trentholme, Trentside, Amcotts, DN17 4AX

PARISH Amcotts

WARD Axholme North

CASE OFFICER Scott Jackson

SUMMARY **Grant permission subject to conditions**

RECOMMENDATION

REASONS FOR REFERENCE TO COMMITTEE Objection by Amcotts Parish Council

POLICIES

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

Paragraph 99 states that local plans should take account of climate change over the longer term, including factors such as food risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change.

Paragraph 100 states that 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. Local plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards.

Paragraph 118 states when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted
- opportunities to incorporate biodiversity in and around developments should be encouraged.

Paragraph 103 also applies.

North Lincolnshire Local Plan: Policies RD2, R6, LC5, LC6, DS1 and DS16 apply.

North Lincolnshire Core Strategy: Policies CS1, CS2, CS3, CS5, CS16, C17 and CS19 apply.

CONSULTATIONS

Highways: No objection. Recommend a condition that the proposed method of operating the site set out in the applicant's supporting email of 8 April 2017 is adhered to.

Environment Agency: Following receipt of additional flood risk information the previous objection is withdrawn. Recommend a condition that the development takes place in accordance with the additional Flood Risk Assessment and its mitigation measures.

Environmental Health: No objection.

Historic Environment Record: This proposal does not adversely affect any heritage assets of archaeological interest or their settings. No further recommendations.

Ecology: No bat or nesting bird survey is required. Recommend conditions in respect of the submission and implementation of a biodiversity management plan.

Canal and River Trust: No comments or objection.

PARISH COUNCIL

Object on the following grounds:

- risk of flooding as a result of flood bank failure
- the structural integrity of the flood bank may be compromised
- increased traffic flows
- the access road is in a poor condition
- there is a requirement for additional facilities such as toilets, parking and disabled access
- issue relating to the safeguarding of children.

PUBLICITY

A site notice has been posted. Two letters of objection have been received from an anonymous contributor raising similar issues to those raised by the parish council, together with the following issues:

- This application is proposed on the precept of being an alternative education resource.
- There are a number of other ponds which could be utilised for this same purpose.
- There is no evidence of specialist advice being sought on the part of the applicant.
- The dimensions of the proposed pond are not accurate, taking account of the proximity to the flood defences.

ASSESSMENT

The application site is a field located directly to the west of the River Trent and its flood bank, to the south-east of the settlement of Amcotts. The field is located in the open countryside and is accessed from Trentside which is single lane road constructed from tarmac. The site has an existing vehicular access from Trentside to the west and is located opposite the applicant's bungalow. The site is predominantly flat, open and laid to grass, and is bordered by the flood defence to the east. Planning permission is being sought to form a fishing pond to an overall depth of 2.7 metres with six fishing pegs. It is proposed to be used as an education resource for angling coaching, and for local schools and those with special educational needs and disabilities.

The main issues in the determination of this planning application are the principle of development and flood risk.

Principle

Planning permission is being sought to form a fishing pond on a field in the open countryside. The plans show that the site is capable of accommodating the scale of the fishing pond proposed (measuring 37 metres by 17 metres) without compromising the integrity of the flood defence located to the east of the site. Policy RD2 of the North Lincolnshire Local Plan applies and states that development in the open countryside will be strictly controlled and only granted for development which is essential for the provision of outdoor sport, countryside recreation and local community facilities. The proposal is for the formation of a fishing pond for angling coaching and education purposes. This is considered essential for the provision of countryside recreation in this case and is therefore considered to comply with policy RD2. In addition, it is considered to constitute a use which requires a countryside location owing to the amount of land required to create a pond and which requires a quiet location in which to undertake fishing. The proposal is therefore considered to comply with policy CS3 of the adopted Core Strategy also.

In addition, the proposal has the potential for biodiversity enhancement; this is supported in the National Planning Policy Framework, and policies LC6 (Habitat Creation) of the North Lincolnshire Local Plan and CS17 (Biodiversity) of the adopted Core Strategy which allows proposals that produce a net gain in biodiversity by designing in wildlife. The council's ecologist supports the scheme and recommends conditions requiring the submission and implementation of a biodiversity management plan; this will ensure that the pond and its surrounding banks are planted with species providing biodiversity gain. This condition will also ensure that an agreed scheme of planting takes place and thus provides a soft landscaped screen to the perimeter of the pond.

There is no statutory requirement for this proposal to be served with additional facilities such as accessible pathways, toilets or disabled access; however, should it later transpire that any additional services or facilities are required at the site, then this would be subject to a separate planning application. Any such application would be considered on its own merits.

Flood risk

The site is located within flood zone 2/3a within the area of highest flood risk. The proposal is for a mix of water-based recreation and outdoor sport and recreation; both of these uses are classed as water compatible in terms of their vulnerability (in flood risk terms). Water

compatible uses in flood zone 3a are considered appropriate in flood risk terms. Following receipt of additional information in a flood risk statement, the Environment Agency has removed their previous objection. A condition is recommended that development is undertaken in accordance with the submitted flood risk assessment and the mitigation measures contained therein. Mitigation measures are proposed in the form of no part of the development being positioned within 8 metres of the toe of the flood defence and no bund formed around the pond; this will ensure that no raising of the land levels takes place and that an easement between the development and the flood defence is retained (for access and maintenance). On this basis the proposed development is considered to be acceptable in flood risk terms.

Other issues

The safeguarding of children is something that is regulated under separate legislation and is therefore not a material consideration in the assessment of this planning application. Additional information has been received from the applicant via email on 8 April 2017 which sets out how the site will be managed in respect of parking requirements and the number of participants visiting the fishing ponds. Subject to a planning condition securing the fishing ponds being operated in accordance with the additional information submitted by the applicant, Highways have raised no objection to the proposal on highway and pedestrian safety grounds.

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, Pond Plan 1 and 2 dated 21-9-17.

Reason

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

3.

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 measures to avoid harm to bats and nesting birds during demolition, vegetation clearance and construction works;
- (b) details of bat roosting features to be installed;
- (c) details of nesting sites to be installed;
- (d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;

- (e) details of measures to ensure that no invasive non-native species become established;
- (f) prescriptions for the planting and aftercare of native trees, shrubs and wildflowers of high biodiversity value;
- (g) proposed timings for the above works in relation to the completion of the ponds;
- (h) details of native fish species to be introduced into the ponds.

Reason

To conserve and enhance biodiversity in accordance with policies LC6 of the North Lincolnshire Local Plan, and CS5 and CS17 of the North Lincolnshire Core Strategy.

4.

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 the completion of the approved development, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

To conserve and enhance biodiversity in accordance with policies LC6 of the North Lincolnshire Local Plan, and CS5 and CS17 of the North Lincolnshire Core Strategy.

5.

The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) compiled by Mr Phil King dated 21 September 2017, including the following mitigation measures detailed within the FRA:

- An 8 metre easement will be maintained between the edge of the pond and the toe of the flood defence.
- The pond will be constructed at ground level (grade) and no bund will be formed around the pond, such that the existing topography of the floodplain will be unaltered.

Reason

To ensure that unimpeded access can be maintained to the flood defences for essential maintenance of the defences and to maintain flows across the floodplain.

6.

The development hereby permitted shall be operated at all times in strict accordance with the parking and visitor operating schedule set out in the applicant's email dated 8 April 2017.

Reason

To define the terms of the permission and in the interests of highway and pedestrian safety.

Informative 1

The works will also require an environmental permit from the Environment Agency for flood risk activities before commencement, irrespective of the granting of planning permission. This is because the River Trent is tidally influenced at this point: any works within 16 metres of a tidal defence require a permit. This applies to any works, including the perimeter safety/otter fence and temporary storage of excavated material, as these have the potential to restrict flows across the floodplain. The permit will control works in, over, under or adjacent to main rivers (including any culverting).

The permit application will need to demonstrate that:

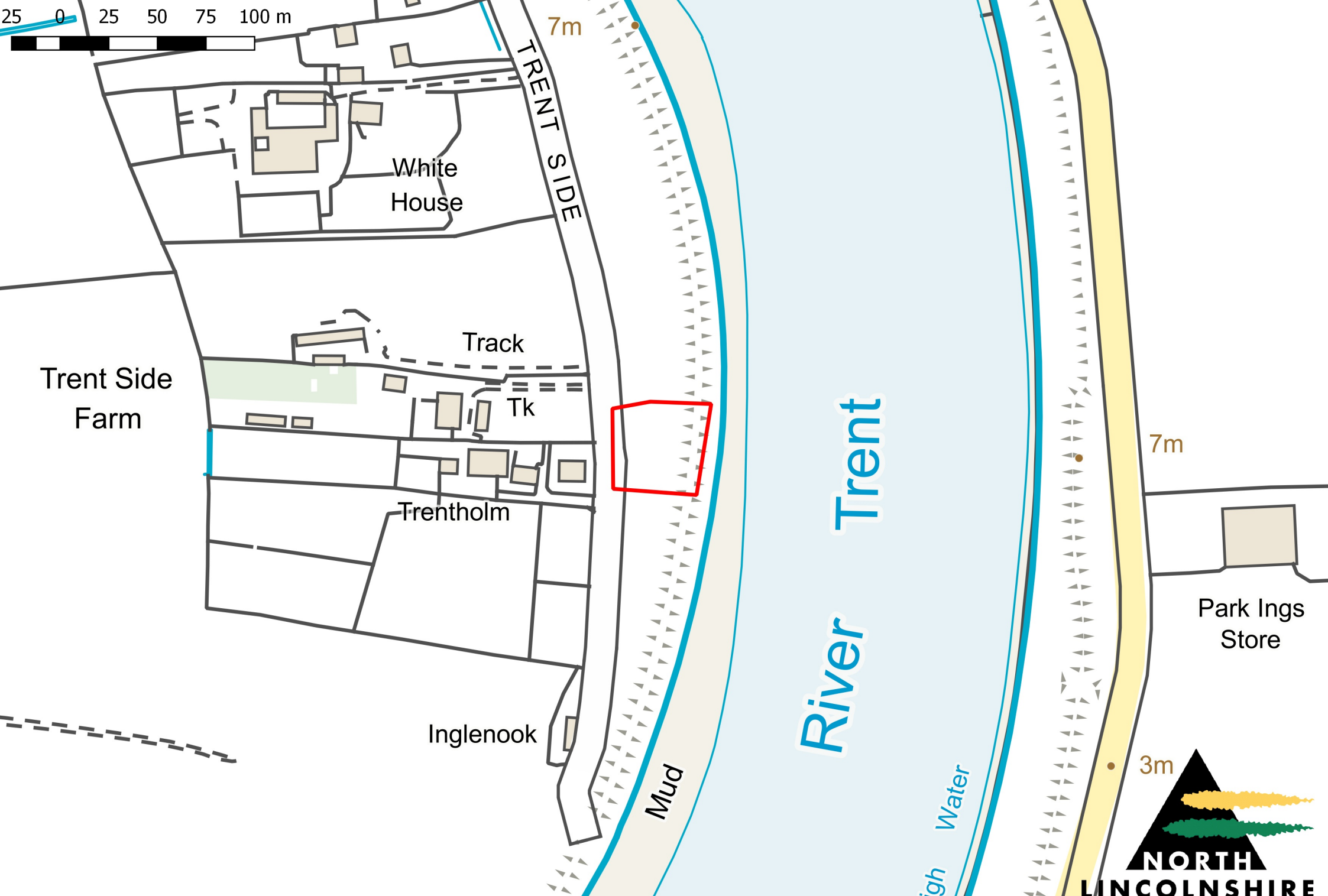
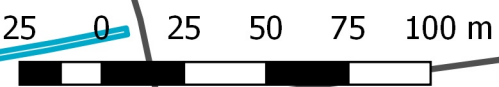
- there is no increase in flood risk either upstream or downstream;
- access to the main river network and sea/tidal defences for maintenance and improvement is not prejudiced;
- works are carried out in such a way as to avoid unnecessary environmental damage.

We will not be able to issue a flood risk permit until this has been demonstrated.

Mitigation is likely to be required to control off-site flood risk.

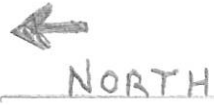
Informative 2

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.



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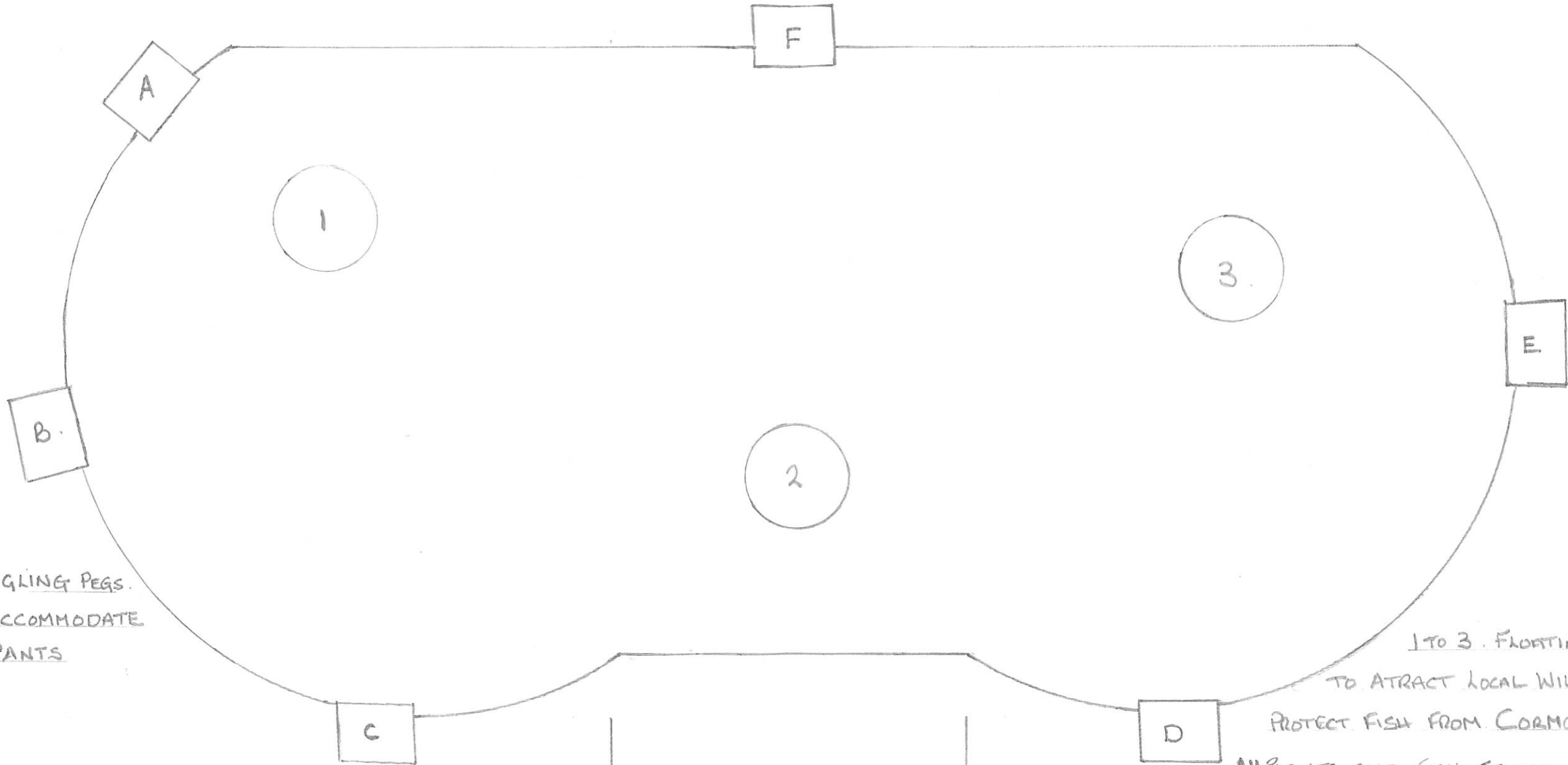




AMENDED

DEVELOPMENT CONTROL SECTION
21 SEP 2017
DATE RECEIVED
Referred to

PA/2017/481 - Proposed block plan - Not to scale



A TO F 6x ANGLING PEGS.
 SIZED TO ACCOMMODATE
 TWO PARTICIPANTS

1 TO 3. FLOATING REED BEDS
 TO ATTRACT LOCAL WILDLIFE AND
 PROTECT FISH FROM CORMORANTS.

EXISTING ACCESS FROM
 TRENTSIDE LANE PLUS
 PARKING FOR FOUR CARS
 IF REQUIRED. FURTHER
 SPACE FOR CAR PARKING IN
 DRIVEWAY OPPOSITE.

ALL PLANTS AND FISH STOCKS WILL BE NATIVE
 TO BRITAIN. AND RECOMMENDED BY THE ENVIRONMENT
 AGENCY AND FISHERIES MANAGEMENT TEAMS. PREDOMINANTLY
 CRUCIAN CARP WITH TENCH WOULD BE THE ADVISED CHOICE
 WHICH WILL SUPPORT THE ANGLING TRUSTS CRUCIAN CARP PROJECT

TRENTSIDE LANE.

SCALE 1:125
 DATE 21-9-2017
 MR. P. R. KING
 TRENTHOLME, TRENTSIDE
 AMCOTTS DN17 4AX.

PA/2017/481 - Proposed cross section of pond - Not to scale

POND DEPTH TRENTSIDE POND PROJECT

AMENDED



ALL WATER PLANTS WILL BE NATIVE TO THE BRITISH ISLES, YELLOW FLAG IRIS, MARSH MARIGOLD AND PURPLE LOOSE-STRIFFE FOR EXAMPLE.

ALL PLANTING AND THE STOCKING OF FISH WILL BE DONE WITH THE CONSULTATION OF THE ENVIRONMENT AGENCY AND FISHERIES MANAGEMENT TEAMS.

DATE 21-9-2017
TRENTSIDE POND DEVELOPMENT
MAXIMUM POND DEPTH
PHIL KING DN17 4AX
TEL 01724 784420

DEVELOPMENT CONTROL SECTION
21 SEP 2017
DATE RECEIVED
Referred To