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| APPLICATION NO | PA/2018/1612 |
| APPLICANT | Mr I Ball |
| DEVELOPMENT | Planning permission to add new lake at existing site |
| LOCATION | Fourways Fishery, Gunthorpe Road, Owston Ferry, DN9 1BG |
| PARISH | Owston Ferry |
| WARD | Axholme South |
| CASE OFFICER | Tanya Coggon |
| SUMMARY RECOMMENDATION | Refuse permission |
| REASONS FOR REFERENCE TO COMMITTEE | Objection by Owston Ferry Parish Council Significant public interest Member 'call in' (Cllr David Rose – significant public interest) |

POLICIES

National Planning Policy Framework: Paragraph 83 states that planning policies and decisions should enable:

- (a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- (b) the development and diversification of agricultural and other land-based rural businesses;
- (c) sustainable rural tourism and leisure developments which respect the character of the countryside.

Paragraph 84 states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Paragraph 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Paragraph 127 states planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 175 states when determining planning applications, local planning authorities should apply the following principles:

- (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

North Lincolnshire Local Plan:

RD2 (Development in the Open Countryside)

R6 (Water-based Leisure)

LC5 (Species Protection)

LC6 (Habitat Creation)

DS1 (General Principles)

DS16 (Flood Risk)

T2 (Access to Development)

T19 (Car Parking Provision and Standards)

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)

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

CS17 (Biodiversity)

CS18 (Sustainable Resource Use and Climate Change)

CS19 (Flood Risk)

CS23 (Sport, Recreation and Open Space)

CONSULTATIONS

Highways: No objection.

Environment Agency: No objection.

Environmental Health: No objection.

Trees: There are very few trees on the site, the main ones being remnant hedge trees around the perimeter of the field, and removal of these does not appear to be required prior to the site being utilised for this proposal; however, important to retain and improve these wherever possible.

Drainage: Views awaited.

Ecology: A preliminary ecological appraisal should be carried out and submitted before the application is determined. The results will reveal the need for more detailed species surveys.

Humberside Fire and Rescue: Make comments in relation to access for the fire service and to water supplies for fire-fighting.

PARISH COUNCIL

The proposal states that the new lake will be at the existing site but this is incorrect as the proposed location is adjacent to the existing site and would increase the size of the site by over 90%. As no evidence has been presented of an increased demand, the existing lakes would continue to meet the requirements. The parish council has serious concerns over what the actual long-term use of such a long piece of water would enable. If the intended use were only for fishing, why not a number of smaller lakes as opposed to a single long lake? The stated requirement of diversifying the business indicates that the long-term plan is something other than just a fishery. In 2017 there was a proposal for 10 holiday lodges on this land, which was refused permission and the parish council is most concerned that this new application is another attempt to expand the use of the site to more than just

fishing If, despite the parish council's strong objection, permission were to be granted, there should be an undertaking that no future planning permission could be sought for holiday lodges on the site or a move away from the use being purely for fishing.

PUBLICITY

Advertised by site and press notice. Twelve letters of objection have been received raising the following issues:

- the site is on adjacent land
- there is insufficient demand for a new lake
- it is unclear if further development/diversification of the site
- the lake could be used by boats/jet skis/wind surfers
- works have been carried out on site – tree planting and a wall
- it is unclear where excavation material will be deposited
- no car parking provided
- the site is adjacent to a drain
- no opening hours are specified
- vehicle access was refused
- few economic benefits
- out of character with the landscape
- no details of waste have been provided
- increase in traffic
- Gunthorpe Road is unsuitable for the development
- A previous application for lodges has been refused on the adjacent site
- no details of landscaping/planting and earthworks have been provided
- access to the site is unclear.

STATEMENT OF COMMUNITY INVOLVEMENT

No statement of community involvement has been provided with the application.

ASSESSMENT

The proposal is for a fishing lake which the applicant considers is an extension to the existing fishery located to the west of the application site. The site is essentially detached

from the adjacent fishing lakes forming Fourways Fishery although the intention is for the access to the new lake to be provided through the existing Fourways Fishery site. The lake area is approximately 1.585 hectares, the whole site area being approximately 4 hectares. The lake is over 120 metres long.

The applicant has been requested to submit a justification for such a large lake in this location. The applicant has stated that a lake of this size is required due to the demand to fish for large carp (size 15-25lb). The existing lakes on the adjacent site are too small to support large carp fishing. The stocking of the fish accounts for an investment of £90,000–£100,000. A full marketing campaign for the site is proposed by the applicant. The applicant will landscape the site, provide valuable additions to ecology and the proposal will assist in the drainage of the land. There are other sites such as Messingham Sands, providing much larger lakes.

Planning permission was granted for the original Fourways Fishery development in 2003 (PA/2003/638) with the access leading from Gunthorpe Road. A recent application (PA/2017/686) for 10 lodges, new access road, soft play area, erection of an amenity block and landscaping was refused at planning committee in March 2018 and that application is pending an appeal decision. A recent application (PA/2018/2220) for the change of use of the site to a Traveller/Gypsy site has been submitted to the council and is under consideration.

The main issues in the determination of this application are the principle of development and its impact on the character of the area, flood risk, highways and ecology.

The principle of the development

Planning permission is sought to form a fishing pond on a field in the open countryside. The proposed fishing lake is located adjacent to the other fishing lakes lying to the west of the application site. The applicant considers the proposal is essentially an extension of the existing fishery site to provide an additional lake.

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 lake for angling purposes only. This is considered essential for the provision of countryside recreation in this case and is therefore considered to comply with part (iv) of 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 lake and which requires a quiet location in which to undertake fishing. However, the proposal must also comply with criteria (a)–(f) of policy RD2 which will be discussed later in this report. In terms of policies CS1, CS2 and CS3 of the adopted Core Strategy, these also permit uses that require a countryside location. Therefore the general provision of fishing lakes in the open countryside is acceptable in principle.

Impact on the character of the area

It is accepted that the lake is very large, covering approximately 1.585 hectares, the total site being approximately 4 hectares. The site runs parallel with Gunthorpe Road and is adjacent to the existing fishery. The area is characterised (excluding the existing fishery to the west of the application) by flat arable fields with some hedging. The proposal will extend

the existing fishery business significantly further east into the open countryside creating encroachment. The use of any bunding and landscaping around this significantly-sized lake to screen it would detract from the rural open character of the area. The justification for the lake put forward by the applicant is not accompanied by a business plan, there is no evidence of the demand in this location for large carp fishing, no demonstration of numbers of visitors to the existing site and no justification why this particular site has been chosen for the lake. In the absence of sufficient justification for the proposal it is considered that the proposed development would be overly intrusive in the open countryside, and visible from the road and in the landscape. The proposal is therefore considered contrary to policies CS1, CS2, CS3 and CS5 of the Core Strategy and policies RD2 (criteria c) and DS1 of the North Lincolnshire Local Plan.

Ecology

No ecological appraisal has been submitted with the application. The council's ecologist has advised that a preliminary ecological appraisal should be carried out and submitted before the application is determined. The results would likely reveal the need for more detailed species surveys as the site has potential for protected species. In the absence of an ecological appraisal the proposal is contrary to policies CS5 and CS17 of the Core Strategy and policy LC5 of the North Lincolnshire Local Plan.

Highway access/car parking

The comments made by objectors are noted. However, no objections have been received from the council's highways team. The access and car parking arrangements are therefore considered to be acceptable and accord with policies T2 and T19 of the North Lincolnshire Local Plan.

Flood risk

The site is located within flood zone 2/3a within the area of highest flood risk. The proposal is for water-based recreation. This use is classed as water-compatible in terms of its vulnerability (in flood risk terms). Water-compatible uses in flood zone 3a are considered appropriate in flood risk terms. The Environment Agency has raised no objection to the proposal. It therefore accords with policy CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan.

Drainage

Issues relating to drainage will be verbally reported to committee.

Other issues raised

The applicant has not adequately demonstrated a demand/justification for this facility in this remote location. The issue of further development/diversification on the site is not a matter that can be considered as part of this application. Planning conditions could be used to restrict the use of the site for fishing purposes only to avoid noise and disturbance from water sports such as jet skis and motor boats. Tree planting does not constitute development. The issue of a wall being constructed is noted, but this would constitute 'permitted development'. It is not specified where excavation material will be deposited or what landscaping/screening of the site is proposed. However, these issues could be dealt with by conditions.

Conclusion

In light of all material considerations associated with this application, it is considered that the benefits of the proposal, with regard to supporting an existing rural business and promoting rural recreation, do not outweigh the harm that would be caused to the character and appearance of the open countryside as a result of further encroachment by the excavation and creation of such a large lake on this site which has not been adequately justified to the council. Due to lack of an ecological appraisal for the site, it is unclear if any protected species could be harmed by the development. On this basis it is recommended that planning permission be refused.

RECOMMENDATION Refuse permission for following reasons:

1.

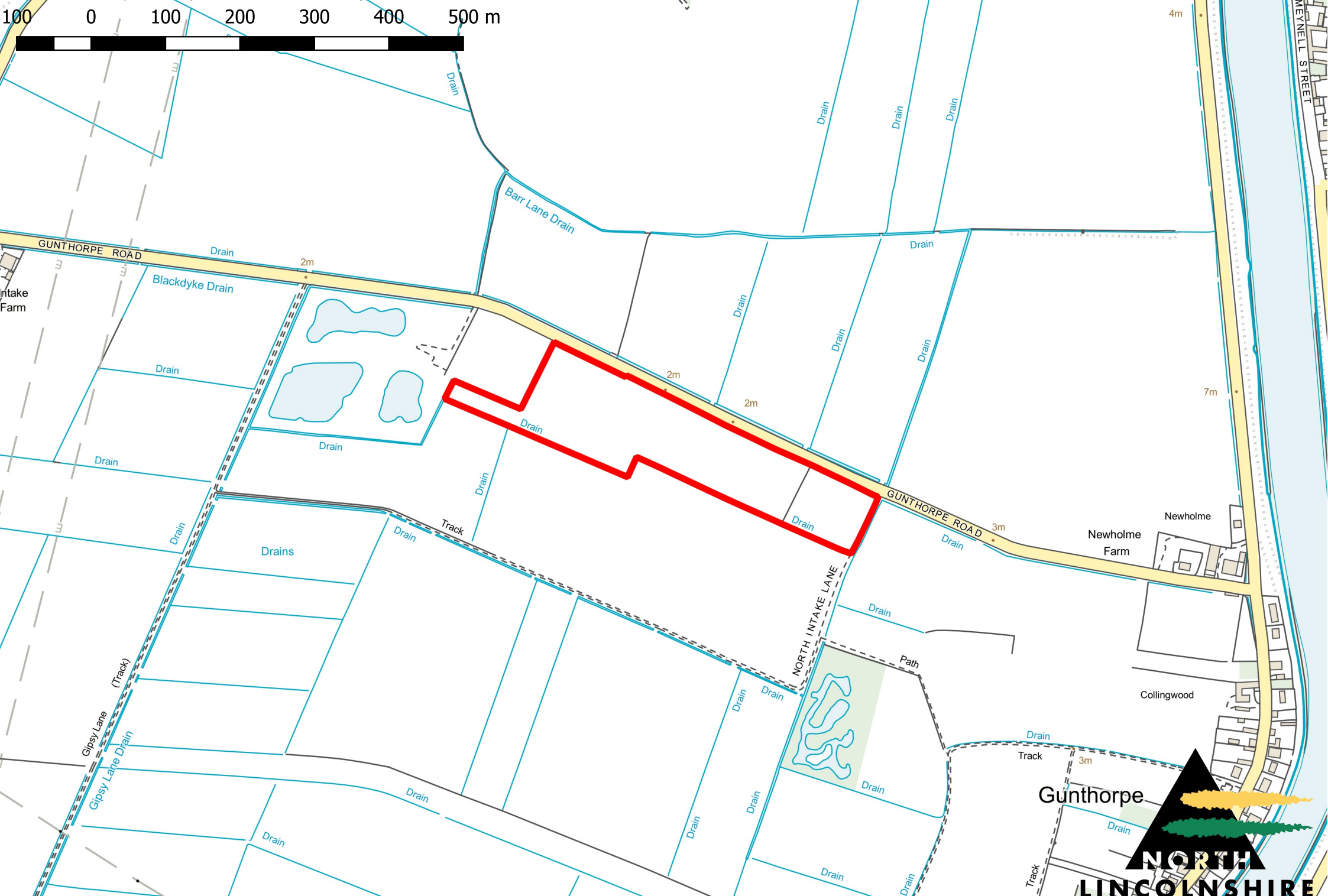
The site is located within the open countryside. The proposed lake, due to its siting, size and scale, is considered to be out of character with the rural area and would be visually intrusive on the landscape. Furthermore, insufficient justification has been submitted for the proposed lake. The proposal is therefore contrary to paragraph 127 of the National Planning Policy Framework, policies CS1, CS2, CS3 and CS5 of the Core Strategy and policies RD2 and DS1 of the North Lincolnshire Local Plan.

2.

No information has been submitted to demonstrate that the proposed development would not have an unacceptable impact on protected species. The proposal is therefore contrary to policies CS5 and CS17 of the Core Strategy.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 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.



PA/2018/1612

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PA/2018/1612 Block plan (not to scale)

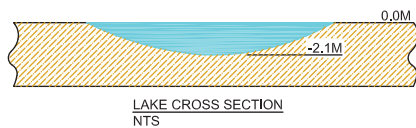


Existing fishery

Proposed fishing pond

KEY

| | |
|--|---------------|
| | BOUNDARY |
| | PROPOSED ROAD |
| | PROPOSED LAKE |



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|---------------|------------|----------|
| Drawing Title | | |
| GUNTHORPE | | |
| Ref: | Scale @ A3 | Date |
| NL GU 009 | 1:2500 | AUG 2018 |

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