

APPLICATION NO	PA/2021/1390
APPLICANT	Mrs Katherine Coulman
DEVELOPMENT	Planning permission for the change of use from agricultural land to a petting and therapy farm
LOCATION	Petsville Farm C.I.C., Ferry Road, Barrow upon Humber, DN19 7DL
PARISH	Barrow upon Humber
WARD	Ferry
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Objection by Barrow upon Humber Parish Council Member 'call in' (Cllr Peter Clark – significant public interest)

POLICIES

National Planning Policy Framework: Sections 6, 12 and 15 apply.

North Lincolnshire Local Plan: Policies RD2, R13, DS1, T1, T2, T19, LC5, LC6, LC11 and LC12 apply.

North Lincolnshire Core Strategy: Policies CS1, CS2, CS3, CS5, CS6, CS15, CS16, CS17 and CS23 apply.

CONSULTATIONS

Highways: No objection, recommend conditions.

LLFA Drainage: No objection, recommend conditions.

Environmental Protection: Following receipt of additional information in respect of contaminated land, a condition is recommended for the investigation of any unexpected contamination. Recommend conditions in respect of opening hours, the types of animals to be kept on the site, details of a method of storage/disposal of manure and bedding from the site and the provision of electrical vehicle charging points.

Ecology: A landscaping condition is required to secure compliance with the adopted Landscape Assessment and Guidelines (SPG5). 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. If permission is ultimately granted, there will be a need to secure a net gain in biodiversity in accordance with policy CS17, the National Planning Policy Framework and Biodiversity Metric 3.0.

Natural England: No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Trees: Trees running along the south side of the site are protected by a Woodland Order, namely W1 of the Tree Preservation (Barrow upon Humber Order) 1966 – this offers protection to any mixed hardwood trees that would have been present when the TPO was made, and any other trees that may have appeared later – basically all the trees here are protected. It is noted the arboricultural impact assessment seems to be only on those trees within the track onto the site and does not indicate those trees that bound the site itself where the proposed development is to take place and does not consider them in light of this proposal. Further information on these trees would be required prior to determination to ensure the proposal does not unduly affect them and this would include any run-off from the site, as this can also affect the trees.

There is no information as to whether the roadway onto the site is to remain in its present form or to be upgraded. It does, however, run through the TPO woodland, and as such any changes to the road itself or indeed to the number of vehicles using the track may have an impact on the trees. Further information regarding any upgrading of the road would be required prior to determination in order to assess if it would cause a detrimental impact on these protected trees. No services can be placed along this site by trenching and other systems would need to be employed. Method statements for this would be required prior to determination to ensure that this is feasible and will not cause damage to root systems within the RPZ [root protection zones] of the trees.

PARISH COUNCIL

Object to the development on the following grounds:

- it is outside the settlement boundary on agricultural land, the land could then be used for other development
- the access is totally unsuitable
- poor visibility
- access and local roads not suitable for construction and delivery vehicles
- no services to the site
- potential odour from waste and bedding
- how is solar power going to be achieved?
- toilets require connection to sewerage.

PUBLICITY

Site notices have been displayed and 33 letters of objection have been received raising similar issues to the parish council, together with the following:

- trees to the south are protected by a tree preservation order

- impact on wildlife within the existing woodland
- increase in traffic
- lack of information in respect of disposal of waste, effluent and car parking
- the proposed access is on a narrow road where three roads meet
- is there a need for this development?
- no biodiversity survey has been undertaken
- impact on a public footpath
- increase in noise levels
- impact on animal welfare
- is there a requirement for an overflow car park?
- insufficient car parking provision
- increase in localised flooding and drainage issues
- it is a contaminated site owing to former land uses
- impact on LC11 land
- the existing highway is of insufficient width to accommodate additional vehicles
- contradictory supporting information as to how the proposed venture will be run/managed.

ASSESSMENT

The application site comprises an agricultural field in arable production to the east of Barrow upon Humber, outside the defined settlement boundary. The site extends to approximately 2.55 hectares and is accessed via an unmade track through a belt of mature woodland to the south which is protected by a blanket tree preservation order and defined as an area of amenity importance under policy LC11 of the North Lincolnshire Local Plan. The site is located to the west and north-west of Ferry Road and the main built framework of Barrow upon Humber, is bordered by hedges and trees along its northern and western boundaries, and the land level rises from east to west away from the settlement. Planning permission is sought to change the use of the agricultural field to form a petting zoo and therapy farm with associated means of access, parking, boundary fencing, animal enclosures/shelters and buildings comprising an outdoor classroom and office/reception.

The main issues in the determination of this planning application are the principle of development (incorporating impact on the character and appearance of the rural landscape), its impact on residential amenity and highway safety, and impact on protected trees.

Principle

The site is an agricultural field in arable production on the western edge of Barrow upon Humber, in the open countryside. 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 National Planning Policy Framework (NPPF), at paragraph 83 (Building a strong competitive 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 and the diversification of agricultural businesses. It is worth noting that the NPPF does not discriminate between specific types of new enterprise being proposed in rural areas, save that the proposal is sustainable and well designed.

The proposal will provide a facility which is intended to be a small-scale visitor attraction for education about animals, it will also provide a sensory and therapy service for children and adults with disabilities and special education needs. The supporting information states the following in terms of the proposed rural enterprise:

'The proposal will provide access to a unique and sustainable development for the local and wider community, catering for all ages, from pre-school to seniors, either on a one-to-one basis or in groups of up to 10. Our site will also incorporate an inclusive sensory garden containing a wide range of educational and recreational activities, with a focus on accessibility for children and adults with disabilities and additional needs, as well as sufferers of dementia and cognitive impairment. We would like to open 7 days a week, bookings only.'

Sufficient justification has been put forward to substantiate the merits of the case. In addition, the applicant has stated measures can be taken to increase the intended sustainability credentials of the proposal such as water recycling, recycling of waste and solar panels for energy generation. Petting zoos require a large open space for the provision of animal enclosures and associated parking and are typically located outside defined settlement limits. The proposal is not considered to prejudice the character and appearance of the countryside by virtue of its scale, form or massing. The facility is sustainable in the sense of its proximity to the settlement of Barrow upon Humber, with the settlement boundary being to the east. However, the proposal will result in an increase in car-borne travel to visit the site. Nonetheless it can be accessed on foot and by cycling.

The largest of the buildings (office/reception) is modular in construction and moveable, and measures 4.87 metres by 2.43 metres with a maximum height of 2.4 metres. This will not be visible from the wider countryside as it will be screened by a combination of its distance from the public highway to the east, by intervening hedges and trees along the eastern boundary, and by the belt of mature TPO trees that form the southern boundary of the site. The proposed buildings, the car parking 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. It is proposed to erect a 1.8m high post and wire fence around the perimeter of the site; this will serve as an appropriate

means of enclosure for the proposed animal pens and will not result in boundary treatment which is at odds with the character and appearance of the rural landscape. There are no public rights of way which either traverse or border the site which offer views of the field, therefore views of the proposed development will be limited in this regard. It is worth noting the impacts of the proposed development are not irreversible, the land being capable of being restored to its current agricultural use should the business no longer require this rural location as a petting zoo.

Given this site is set back from the public highway (Ferry Road) at distances of between 58 and 125 metres, the natural screening afforded to the site and the low-level height of the buildings and structures proposed, there will be no wider landscape impacts on the rural scene than beyond the site itself. In conclusion, impact on the surrounding area (in terms of built development) and the open countryside will be limited. Petting zoos require a large open space for the provision of animal enclosures and associated parking and are typically located outside defined settlement limits, therefore the site is considered acceptable in principle for the proposed change of use.

Residential amenity

The proposed development will be located 114 metres to the west of the nearest residential properties on Ferry Road. Considering the separation distances involved, the proposed change of use to a petting zoo, with opening hours of 9am to 4pm daily, is not considered to give rise to loss of residential amenity through noise and other disturbance. In addition, the animals proposed to be housed at the petting zoo are not those which are anticipated to result in excessive noise generation, particularly during unsocial hours of the day, and no deliveries are proposed to the site outside the scheduled hours of operation. The proposed hours of opening are during social hours of the day, reducing the potential for noise and general disturbance to neighbouring residential properties (outside of social hours).

Environmental Health have raised no objections to the proposal but recommend a number of conditions, including one 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 and number of animals to be kept at the petting zoo. The applicants have arranged the layout of the site to ensure the animals are located towards the centre of the site, further mitigating the potential for noise disruption to residential properties to the east.

Highways

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. The concerns of the objectors in relation to the position and intensification of the proposed vehicular access to the site are noted, however Highways have no objections on highway or pedestrian safety grounds to the point of access to the site (opposite the junction of Westoby Lane with Silver Street), to the level of car parking provision or to the projected vehicular movements to and from the site. Conditions are recommended in relation to improvements to the existing vehicular access with the highway, a restriction on the height of vegetation and boundary treatments adjacent to the highway, no loose material being used in the surfacing of the access road within 10 metres of the public highway, the petting zoo not coming into use until the parking, turning and servicing areas are completed and the submission of a delivery/servicing

management plan. In conclusion, it is considered the proposed development will not be detrimental to highway safety.

Impact on trees

The proposed vehicular access to the site is through an area of woodland which is protected by a blanket tree preservation order (TPO) and defined as an area of amenity importance under policy LC11 of the North Lincolnshire Local Plan. The proposed access track is in use as an agricultural access and its use will inevitably intensify as a result of the proposed development on a daily basis. An Arboricultural Impact Assessment (AIA) has been submitted with the planning application. The conclusions of this report are that there is no requirement to remove any trees, nor to install any tree protection measures to either side of the track, and as the access track is currently in use by heavy agricultural equipment there is no perceived further impact on the trees due to light vehicle access. The AIA is supported by plans which show the access track and part of the site boundary (along its southern side) to be within the root protection areas of the TPO trees.

At present access to the site is via a dirt track through the TPO trees and the plans show there is potential to introduce chalk onto this track for ease of access to the field. The proposal will result in the intensified use of this dirt track, either in its existing state or over a newly compacted surface, by both customer vehicles and agricultural machinery (for deliveries and removal of bedding). Given the proposed daily use of the track to serve the proposed petting zoo, it is considered there could be potential impact on the protected trees as a result of both its intensified use and alterations to its surfacing. In addition, it is proposed to erect 1.8 metre high post and rail fencing along the southern boundary of the field to enclose the land. No information has been submitted to show how this aspect of the development proposals will impact on the TPO trees, exacerbated by the amount of fencing required to secure this boundary (189 metres in total). Neither has information has been submitted to demonstrate how services to the site are to be provided; this too this may require provision via the access track.

Due to a lack of information the local planning authority cannot accurately assess whether the development proposals will impact on the TPO trees. The proposals are thus considered contrary to policies LC12 of the North Lincolnshire Local Plan and CS16 of the adopted Core Strategy.

Other issues

Issues have been raised in relation to animals being kept in captivity, animal welfare, space standards, spread of disease, fear of animals escaping and vermin. 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.

The applicant has not submitted an ecological appraisal of the site. The council's ecologist has commented that a preliminary ecological appraisal or Phase 1 survey of the site should be carried out before the application is determined to inform whether there is a need for further detailed surveys to be undertaken. Without this information the local planning authority cannot assess whether the development proposals will have an impact on protected or priority species. The proposals are therefore considered contrary to policies LC5 of the North Lincolnshire Local Plan and CS17 of the adopted Core Strategy.

Conclusion

The proposed change of use of the land to a petting zoo is acceptable in principle and the impact on the surrounding area (in terms of built development) and the open countryside will be limited. In addition, the proposed development will not have a detrimental impact on residential amenity, and the proposal is acceptable on highway and pedestrian safety grounds. However, due to a lack of information, the local planning authority cannot accurately assess whether the proposals will have an impact on the TPO trees and upon protected species. The proposed development is therefore considered contrary to policies LC5 and LC12 of the North Lincolnshire Local Plan, and CS16 and CS17 of the adopted Core Strategy. The application is therefore recommended for refusal.

RECOMMENDATION Refuse permission for the following reasons:

1.

The proposal, if permitted, could have a detrimental impact upon trees which are covered by a Tree Preservation Order (TPO) through the introduction of additional vehicle movements through the woodland, the potential introduction of chalk onto the access track, the installation of services to serve the site and fencing along the southern boundary to secure the site. The proposal therefore has the potential to result in root severance and compaction to the detriment of the health of the TPO trees and their contribution to the visual amenity of the area. The proposal is thus considered contrary to saved policy LC12 of the North Lincolnshire Local Plan, and policy CS16 of the adopted Core Strategy.

2.

No ecological appraisal or Phase 1 Ecological Survey has been submitted with the planning application. Therefore the local planning authority cannot accurately assess whether the proposed development will impact on protected or priority species and the proposals are considered contrary to policies LC5 of the North Lincolnshire Local Plan and CS17 of the adopted Core Strategy.

Informative

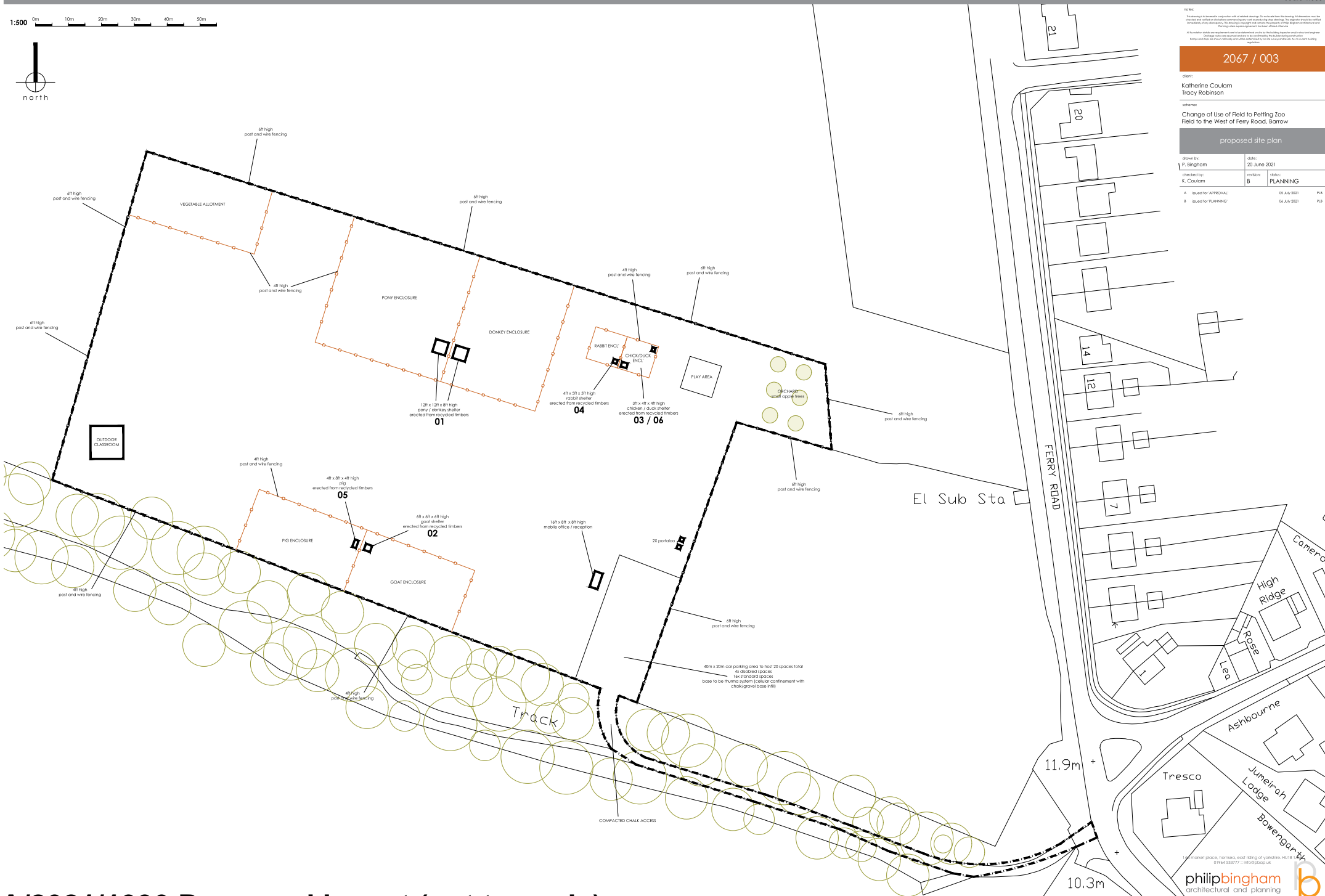
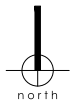
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



Development Boundary

PA/2021/1390

**North
Lincolnshire
Council**



NOTE:
 This design is intended as a guide only and does not constitute a contract. It is subject to the planning process and the relevant authorities' requirements. The design is subject to change without notice. The client is responsible for ensuring that the design complies with all relevant regulations and standards. The design is not to be used for construction without the approval of the relevant authorities. The design is not to be used for construction without the approval of the relevant authorities. The design is not to be used for construction without the approval of the relevant authorities.

2067 / 003

Client:
 Katherine Coulam
 Tracy Robinson

Project Name:
 Change of Use of Field to Petting Zoo
 Field to the West of Ferry Road, Barrow

proposed site plan

drawn by: P. Bingham	scale: 200 June 2021
checked by: K. Coulam	status: PLANNING
A issued for APPROVAL	02 July 2021 P.B.
B issued for PLANNING	06 July 2021 P.B.

PA/2021/1390 Proposed layout (not to scale)



NOTE:
The drawings are intended as a guide only and do not constitute a contract. The client is responsible for ensuring that the drawings are used in accordance with the relevant regulations and standards. The client is advised to seek professional advice before using the drawings for any purpose other than that intended. The drawings are the property of Philip Bingham and should not be used for any other purpose without the written consent of Philip Bingham.

2067 / 004

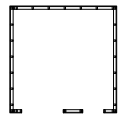
client:
Katherine Coulam
Tracy Robinson

site name:
Change of Use of Field to Petting Zoo
Field to the West of Ferry Road, Barrow

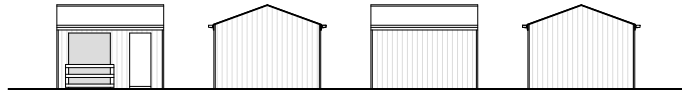
shelter details

drawn by: P. Bingham	date: 23 June 2021
checked by: K. Coulam	status: B PLANNING

A issued for APPROVAL	05 July 2021	PLB
B issued for PLANNING	06 July 2021	PLB



plan



elevations

01 - pony / donkey enclosure



plan



elevations

02 - goat enclosure



plan

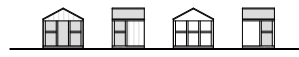


elevations

03 - chicken enclosure



plan

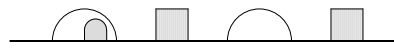


elevations

04 - rabbit enclosure



plan



elevations

05 - pig enclosure



plan



elevations

06 - duck enclosure

