

APPLICATION NO	PA/2023/241
APPLICANT	Adele Thompson
DEVELOPMENT	Planning permission to remove condition 8 of PA/2022/504 namely to extend the duration of occupation of the holiday lodges and shepherd huts
LOCATION	Oak Tree Fishery, Station Road, Graizelound, DN9 2NQ
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Haxey Parish Council

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision making

Chapter 6 – Building a strong, competitive economy

Chapter 14 – Meeting the challenge of climate change, flooding, and coastal change

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 - Conserving and enhancing the historic environment

North Lincolnshire Local Plan:

LC7 (Landscape Protection)

LC12 (Protection of Trees, Woodland and Hedgerows)

LC14 (Area of Special Historic Landscape Interest)

RD2 (Development in the Open Countryside)

R12 (New Caravan and Camping Facilities)

DS1 (General Requirements)

DS11 (Polluting Activities)

DS14 (Surface water and Foul Water Drainage)

DS16 (Flood Risk)

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS6 (Historic Environment)

CS15 (Culture and Tourism)

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

CS18 (Sustainable Resource Use and Climate Change)

CS19 (Flood Risk)

Housing and Employment Land Allocations DPD (2016)

The site is outside the defined development limits within the open countryside and covered by policy LC14.

New North Lincolnshire Local Plan: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023.

The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are:

SS1: Presumption in Favour of Sustainable Development

SS2: A Spatial Strategy for North Lincolnshire

SS3: Development Principles

SS11: Development Limits

CSC17: Camping and caravan sites

RD1: Development in the Open Countryside

EC6 Supporting the Rural Economy

EC7: A sustainable visitor economy

DQE1: Protection of Landscape, Townscape and Views

DQE3: Biodiversity and Geodiversity

DQE5: Managing Flood Risk

DQE6: Sustainable Drainage System

HE1 Conserving and Enhancing the Historic Environment

HE2: Area of Special Historic Landscape Interest

T3: New Development and Transport

T4: Parking

DM1: General requirements

Other relevant guidance

Tourism Recovery Paper – March 2023 (Department for Culture, Media and Sport)

CONSULTATIONS

Highways: No comments to make.

Environment Agency: No comments to make.

Drainage (Lead Local Flood Authority): No objections. We note pre-commencement conditions placed on PA/2022/504 have not been discharged and we await clarification.

Anglian Water: No response to the consultation.

Severn Trent Water: No response to the consultation.

Environmental Health and Housing: No objection to condition 8 being varied but object to the condition being removed entirely. A maximum length of stay in any 12-month period should be specified to protect against unauthorised permanent occupation of the units on the site.

Environmental Protection: No comments.

Historic Environment Record: No comments to make.

Ecology: No objection.

Tree Officer: No comments to make.

Humberside Fire and Rescue Service: General comments in relation to access for fire-fighting and to water supplies for fire-fighting.

PARISH COUNCIL

Objects. The parish council needs further clarification on what, if anything, will replace the removal of condition 8. It is not clear if the removal of this condition will allow people to stay all year. Cllr Harris stated that condition 8 was badly drafted.

PUBLICITY

Advertised by site and press notice. One letter of objection has been received raising the following issues:

- increase in traffic
- increase in noise.

STATEMENT OF COMMUNITY INVOLVEMENT

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

ASSESSMENT

The proposal

This proposal is to remove condition 8 on planning permission PA/2022/504. Condition 8 relates to occupancy of the approved lodges and shepherd huts on the site and reads as follows:

'The use of the site shall be for short-term use only and no lodge or shepherd hut shall be occupied on the site for more than 28 consecutive days in any 12-month period.

Reason: The site is for holiday use only and is inappropriate for permanent residential development.'

This means that the applicant wishes to remove condition 8 which will allow the holiday lodges and shepherd huts to be occupied all year round for any length of stay. The decision notice for PA/2022/504 can be found appended to this report.

The site

The site is located off the A161 and is an existing caravan and fishery site which has developed over recent years. The site is within the open countryside and within LC14 land. To the north of the access to the site are a small row of terraced properties and a farm, and to the west is a detached dwelling. The site is within flood zone 2/3a. The applicant has informed the case officer that 5 lodges and 3 shepherd huts are now located on the site.

Planning history

The site has an extensive planning history commensurate with the development of the site over a number of years:

PA/2022/504: Planning permission for the siting of 10 holiday lodges and 6 shepherds huts – approved 30/11/2022

PA/2021/1465: Planning permission for change of use of land to accommodate a further 20 pitches – approved 26/11/2021

PA/2020/1017: Planning permission for the permanent siting of a mobile home in connection with a fishing business – approved 23/10/2020

- PA/2018/2089: Planning permission to erect a general-purpose storage building 7.5m x 10m for the fishery – approved 17/12/2018
- PA/2017/120: Planning application to vary conditions 2 and 3 of PA/2016/996 to change chalet for a mobile home and 3 years to start from the 'first siting' of the mobile home – approved 23/03/2017
- PA/2017/2075: Planning permission for change of use of a grass field to site 20 touring caravans – approved 30/10/2018
- PA/2016/996: Planning permission for change of use of land for the siting of a residential mobile home, siting of a café, erection of a polytunnel for use as a hatchery and the creation of two 1m deep stock ponds – approved 15/09/2016
- PA/2013/1277: Planning permission to construct a fishing pond on land to the west of the main fishery – approved 02/12/2013
- PA/2012/0217: Planning permission to create a fishing lake – approved 24/04/2012
- PA/2011/1053: Planning permission to change the use of an open field into an 8-tent camp site – refused 08/11/2011
- PA/2006/104: Planning permission to create a fishing lake with associated car parking and access thereto – approved 03/08/2006.

Procedural matters

An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. Planning permission cannot be granted under section 73 to extend the time limit within which a development must be started and a Section 73 cannot be used to change the description of the development.

Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.

The main issues associated with this application are whether the principle of permitting the approved lodges and shepherd huts to be occupied unrestricted all year round is acceptable and if so, whether the proposal is acceptable in terms of impacts on the highway, flood risk, drainage, ecology, heritage and landscape.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003 and the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011. Material considerations exist in the form of national policy and guidance contained within the

National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

The principle of the development for the siting of the lodges and shepherd huts on the site has been established through the granting of planning permission PA/2022/504. The key issue associated with this proposal is whether the occupation of the lodges and shepherd huts all year round for any length of stay (to allow the lodges and shepherd huts to be occupied for more than 28 days consecutively in any 12-month period) is acceptable in principle.

The applicant has submitted a statement with the application to justify the removal of condition 8 to allow the lodges and shepherd huts to be occupied unrestricted in terms of days all year round. Currently the lodges and shepherd huts can only be occupied consecutively for 28 days in a 12-month period. The applicant states that condition 8 restricts the business in that many visitors will be retired and will require longer stays throughout the year for more than the 28 consecutive days that condition 8 currently permits. Many of the visitors wish to stay on the site for the whole of the summer period (in excess of 28 consecutive days) which would breach the terms of condition 8.

In this case, it is pertinent to establish why condition 8 was imposed on the planning permission PA/2022/504. This was because the site is for holiday use only and not for residential use as the site is located in the open countryside where residential development is strictly controlled. This condition in effect, whilst allowing occupation of the lodges and shepherd huts all year round, did not allow them to be occupied for more than 28 consecutive days which restricted the use of the lodges and shepherd huts to short-term holiday lets. It prevented the lodges and shepherd huts from being occupied all year round, potentially leading to a residential use which is not appropriate in this location.

The implications of the removal of condition 8 have to be assessed. If condition 8 is removed then the lodges and shepherd huts will be able to be occupied all year round unrestricted in terms of a consecutive number of days in any 12-month period.

Condition 9 on PA/2022/504 reads as follows:

'The lodges and shepherd huts on the site shall be occupied for holiday purposes only and not as a person's sole or main place of residence. An up-to-date register of all occupiers on the site (including details of their home address) shall be maintained and this information shall be made available at all reasonable times to the local planning authority.'

Reason: To ensure the approved holiday accommodation is not used for unauthorised permanent residential occupation.'

If condition 8 is removed, condition 9 is recommended to be imposed on the new planning permission. Condition 9 would still 'bite' and ensure that the lodges and shepherd huts were still used for holiday purposes and would not allow the lodges and shepherd huts to be used for residential use. The condition meets the six tests (necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other aspects) set out in the PPG. Therefore, if condition 8 is removed, then condition 9 would still ensure the lodges and shepherd huts were used/occupied solely for holiday purposes and would also prevent residential use of the site. The up-to-date register of all occupiers on the site, which includes their home address, will also ensure that the lodges and shepherd huts are not used as a person's sole or main place of residence.

In terms of planning policy, the NPPF paragraph 84 (supporting the rural economy) should enable planning decisions for sustainable rural tourism and leisure developments which respect the character of the countryside. In this case the proposal will allow the enhancement of an existing tourism facility/accommodation whilst safeguarding the character of the countryside.

Spatial Objective 4: Creating Greater Economic Success of the CS seeks to create a strong, competitive and diverse economy by encouraging business growth and employment opportunities. The overarching strategic policies in the CS (CS1, CS2 and CS3) all support tourism development in the open countryside. Policy CS15 (Culture and Tourism) in the CS states, 'Existing tourist facilities and infrastructure will be protected and enhanced and the development and promotion of sustainable tourism focusing on the area's natural and built assets will be supported.' In this case the proposal will align with policy CS15 as the site is an existing caravan and fishery and the proposal will improve the 'tourism offer' by allowing holiday occupation of the lodges and huts all year round.

Policies R11 and R12 of the NLLP relate to camping and caravan sites and facilities, which are acceptable subject to strict criteria being fulfilled. The site is an established caravan and fishery by virtue of the previous planning permissions that have been approved and implemented on the site. Policy R12 specifically states, 'In granting planning permission conditions will be imposed, where necessary, restricting the use of the site to holiday lettings.' In this case condition 9 on PA/2022/504 is recommended to be imposed on the new planning permission which will still restrict the use of the site for holiday lettings only and therefore the proposal will still align with R11 and R12 of the NLLP.

Since the Covid-19 pandemic the government has issued a new Tourism Recovery Plan – Update on Delivery March 2023. One of these objectives is 'to ensure that the sector's recovery benefits every nation and region, with visitors staying longer, growing accommodation occupancy rates in the off-season and high levels of investment in tourism products and transport infrastructure.' In the medium to long term, once the tourism sector has fully recovered from the pandemic, the government wants to see a shift in consumer behaviour towards visitors staying longer and visiting outside of traditional spring and summer peak seasons. In order to stimulate this demand, many tourism destinations are already working proactively towards extending their tourist seasons to benefit their local economies. In relation to this application, by allowing the occupation of the lodges and shepherd huts for holiday use all year round, the proposal will align with the government key objectives in relation to the tourism recovery plan.

Highway safety

In terms of highway safety, no objections have been received from Highways. Comments from the neighbour regarding increase in traffic are noted. Currently, under the terms of condition 8, the lodges and huts can only be occupied on the site for no more than 28 consecutive days in any 12-month period. This means in effect that the lodges and huts can only be occupied for 28 consecutive days in any 12-month (1 year) period but they can still be occupied for periods of time that are less than 28 consecutive days all year round. It is therefore not considered that allowing the lodges and shepherd huts to be occupied all year round will significantly increase the volume of traffic to and from the site. It is recommended that the highway conditions on the previous planning permission PA/2022/504 are also imposed on this new permission. Subject to these conditions the proposal will align with policies T2 and DS1 of the NLLP and CS5 of the CS.

Flood risk and drainage

The site is within flood zone 2/3a and is therefore at high risk of flooding. The previous planning permission (PA/2022/504) for the siting of 10 holiday lodges and 6 shepherd huts has a condition (11) which relates to the development being carried out in accordance with the submitted Flood Risk Assessment dated August 2021 and Addendum Flood risk Assessment. This condition is recommended to be imposed on the new planning permission to ensure the lodges and shepherd huts are safe in terms of flood risk. Subject to the aforementioned condition the proposal will align with the NPPF, policy CS19 of the CS and policy DS16 of the NLLP.

In terms of drainage conditions, 12 and 13 on previous planning permission PA/2022/504 (for 10 lodges and 6 shepherd huts) related to the submission of a detailed surface water and foul sewerage scheme for approval to the council. These conditions are also recommended to be imposed on the new planning permission to ensure the lodges and shepherd huts have satisfactory drainage (surface water and foul). Subject to these conditions the proposal will comply with policies CS18 and CS19 of the CS, and DS16 and DS16 of the NLLP.

Ecological matters

In terms of ecological matters the council's ecologist has raised no objections to the proposal. The previous planning permission (PA/2022/504) for the siting of 10 holiday lodges and 6 shepherd huts includes conditions (14 and 15) which require the applicant to submit a biodiversity metric assessment and biodiversity management plan to the local planning authority for approval in writing and to ensure the approved biodiversity management plan is implemented on the site. These conditions are also recommended to be imposed on the new planning permission to ensure the development provides quantified biodiversity net gain on the site. Subject to this condition the proposal will comply with policies CS5, CS17 and CS19 of the CS and paragraphs 8, 174 and 180 of the NPPF.

Heritage and landscape

In terms of heritage and landscape matters (LC14), planning permission has already been given for the siting of 10 holiday lodges and shepherd huts on the site. It therefore is accepted that the lodges and shepherd huts had a negligible impact on policy LC14 as the development is contained to an area which is well screened from the wider area and views into this part of the site are restricted. The use of the lodges and shepherd huts all year round will not result in any further demonstrable harm to the LC14 as the lodges and shepherd huts have already been approved on the site under PA/2022/504. HER has no objections to the proposals. The proposal, in terms of impact on the character and appearance of the LC14, is judged to be acceptable. The council's tree officer has also raised no objections to the proposal as trees will be retained on the site. The proposal aligns with policies LC14, LC7 RD2 and LC12 of the NLLP and policy CS6 of the CS.

Noise

Comments in relation to noise from an objector are noted. However, Environmental Protection raise no objection to the proposal. Condition 7 on planning permission PA/2022/504 relates to the development being carried out in accordance with the submitted noise management plan which is recommended to be placed on the new planning

permission. This will safeguard neighbours' amenity in terms of noise nuisance. Subject to this condition, the proposal will align with DS1 and DS11 of the NLLP.

Other matters

Comments from the parish council and Environmental Protection are noted and have been addressed in this committee report alongside a full explanation of condition 8.

Planning balance and conclusion

To conclude, the proposal does align with the development plan and the NPPF and also with central government initiatives to recover tourism following the Covid-19 pandemic. The proposal will allow holiday use of the lodges and shepherd huts all year round unrestricted in terms of the number of consecutive days the lodges and shepherd huts can be occupied for. This will improve the tourism offer in North Lincolnshire and support this rural business and the rural economy. The planning application, if approved, will still have a condition ensuring the lodges and shepherds huts are used for holiday accommodation only, which will prevent permanent residential use of the site, and conditions to ensure the proposal is acceptable to mitigate against adverse highway, flood risk, drainage, ecological and noise impacts.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development hereby permitted shall be carried out in accordance with the following approved plans:

- Proposed Site Plan - 004
- Cabin Type 2 Elevations & Floor Plans plan - 004
- Cabin Type 1 Elevations & Floor Plan - 002
- Shepherds Hut Elevations & Floor Plan - 005
- Proposed Site Plan – 001
- Site Plan as Existing - 003.

Reason

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

2.

Notwithstanding the hereby approved plans as set out in condition 1 above, within one month of the date of this permission details shall be submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development (10 lodges and 6 shepherd huts) and only the approved materials shall be used.

Reason

To ensure that the buildings are keeping with their surroundings in the interests of visual amenity, in accordance with policies DS1 and LC14 of the North Lincolnshire Local Plan.

3.

No lodges or huts on the site shall be occupied until the vehicular access to the site, the internal infrastructure and the vehicle parking facilities have been completed in accordance with the submitted details and once completed all these facilities shall be retained.

Reason

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

4.

No external lighting shall be installed until an assessment of the potential for light impact has been undertaken, submitted to and approved in writing by the local planning authority. The assessment shall include:

- identification of sensitive receptors likely to be impacted upon by light nuisance;
- a lighting scheme which proposes methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Once approved the agreed lighting scheme shall be implemented and permanently retained. Any deviation from the agreed lighting scheme shall require approval in writing by the local planning authority.

Reason

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

5.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

Reason

To ensure that risks from land contamination to the 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.

6.

The development shall be carried out in accordance with the submitted Noise Management Plan (Prepared and Issued By: Simmonds Planning Ltd) and Site Rules, and the following mitigation measures detailed:

- TVs, radios, hi-fi systems, musical instruments or other such appliances should NOT be played at a volume to cause a nuisance to others, especially between the hours of 10pm and 8.30am
- the site will be closed to traffic from 10pm to 7.30am during which time noise should be kept to a minimum and a quiet period observed for the benefit of all campers
- vehicle drivers, motorcyclists and cyclists are required to adhere to the site's 5mph speed limit, and

- pitches are available from 1pm with the latest attended arrival and pitching 8pm
- no night fishing is allowed; all fishing shall cease by 8.30pm every day.

Reason

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

7.

The lodges and shepherd huts on the site shall be occupied for holiday purposes only and not as a person's sole or main place of residence. An up-to-date register of all occupiers on the site (including details of their home address) shall be maintained and this information shall be made available at all reasonable times to the local planning authority.

Reason

To ensure the approved holiday accommodation is not used for unauthorised permanent residential occupation as it is inappropriate for permanent residential development, being within the open countryside in accordance with policy RD2 of the North Lincolnshire Local Plan.

8.

The development hereby approved shall be used solely by the approved lodges and shepherd huts. At no time shall the site be used for touring caravans, campervans or tents.

Reason

In the interests of visual amenity in accordance with policies DS1 and LC14 of the North Lincolnshire Local Plan.

9.

The development shall be carried out in accordance with the submitted Flood Risk Assessment dated August 2021 and Addendum Flood risk Assessment dated 4 October 2022, both compiled by Mark Simmonds Planning Services). In particular, finished floor levels shall be set no lower than 4.1m above Ordnance Datum (AOD) as stated in the Addendum. the flood risk mitigation measure shall be maintained throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants in accordance with policy CS19 of the North Lincolnshire Core Strategy 2011.

10.

No holiday lodge or shepherd hut shall be occupied until a detailed surface water drainage and foul sewerage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change which should be based on current national guidance) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be considered. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on

above-ground solutions. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, to ensure the implementation and future maintenance of the sustainable drainage structures, and to minimise the risk of pollution in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

11.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 10 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

12.

Within three months of the commencement of development, the applicant or their successor in title shall submit a biodiversity metric assessment and biodiversity management plan to the local planning authority for approval in writing. The document shall include:

- (a) an assessment of biodiversity loss based on the habitat and hedgerow baseline in the submitted existing site plan ref 003, dated January 2022;
- (b) details of measures required to provide at least 1% biodiversity net gain in accordance with the Defra Biodiversity Metric Version 3.1;
- (c) details of bat boxes and nest boxes to be installed;
- (d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (e) prescriptions for the planting and aftercare of native trees and shrubs of high biodiversity value;
- (f) prescriptions for the management of invasive species that may become established;
- (g) proposed timings for the above works in relation to the completion of the dwellings.

Biodiversity units should be delivered on site, within the red line and blue boundaries shown on the submitted location plan. Those that cannot viably be delivered on site should be delivered locally, according to a local plan or strategy.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

13.

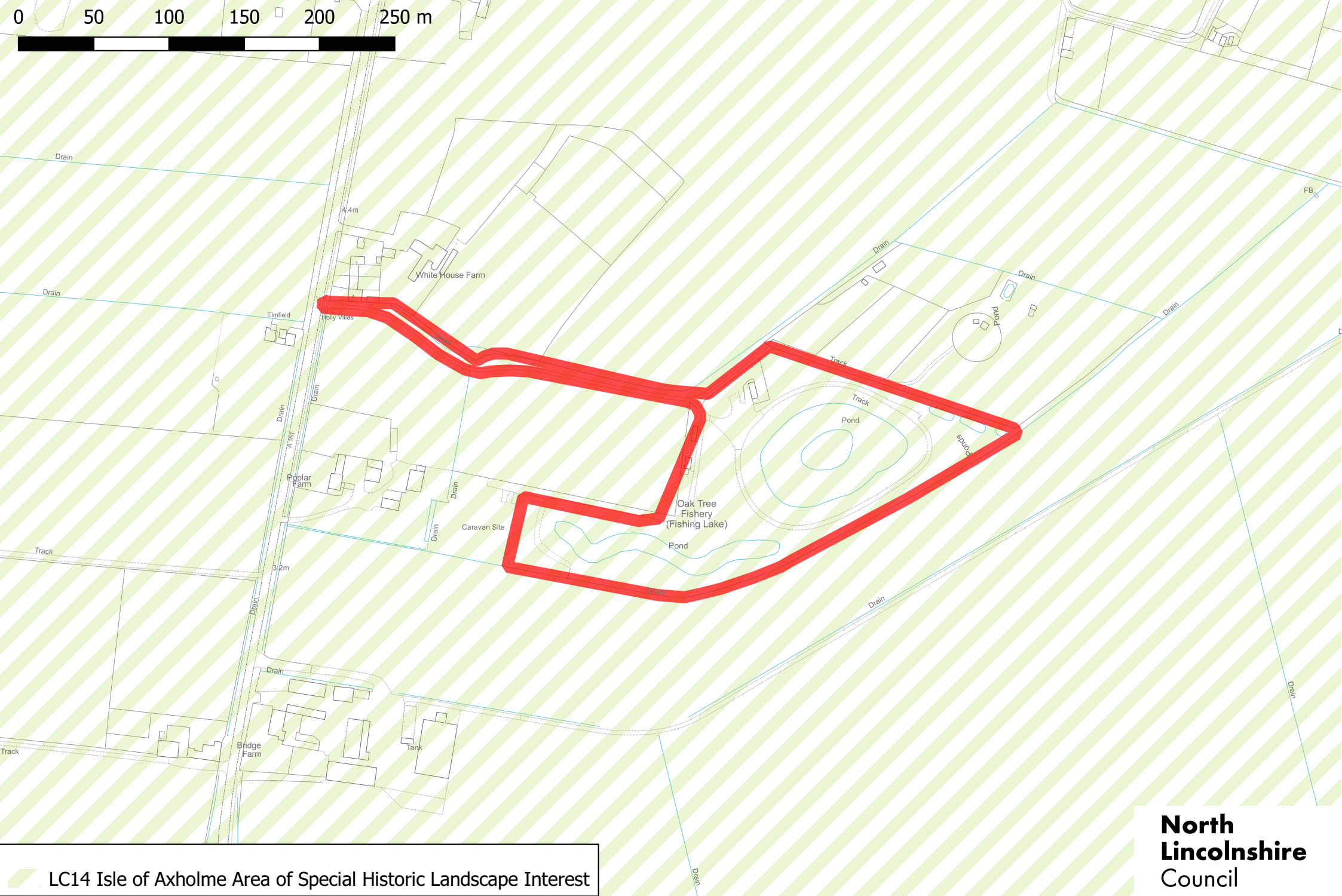
The biodiversity management plan shall be carried out in accordance with the approved details and timings for a period of at least 30 years, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the operation of the holiday lodges or shepherd huts, 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 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.



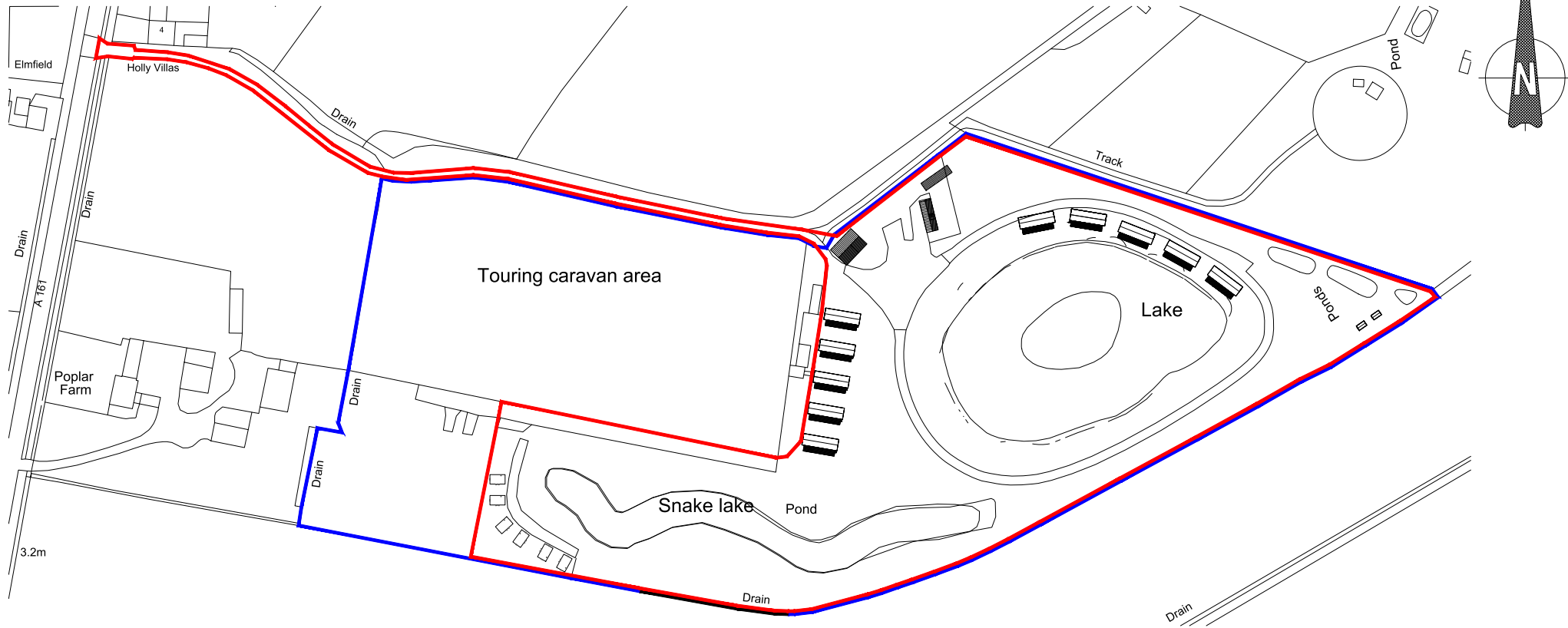
LC14 Isle of Axholme Area of Special Historic Landscape Interest

**North
Lincolnshire
Council**

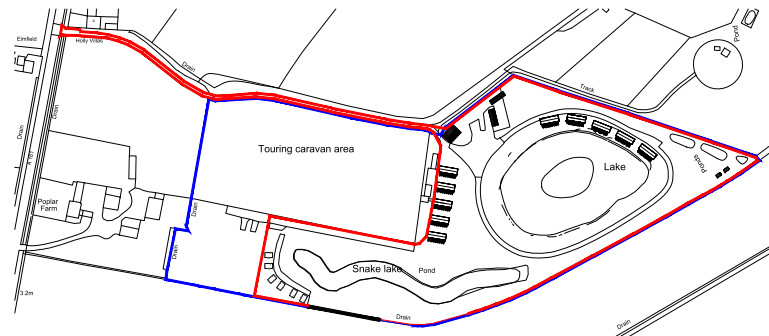
PA/2023/241

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PA/2023/241 Site layout (not to scale)



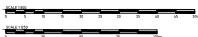
SITE PLAN 1:1250



BLOCK PLAN 1:500

AMENDED

MaxDesign			
Architecture Planning Consultancy			
Armstrong House, First Avenue, Doncaster DN9 3GA			
t: 01302 887599		m: 07734 939 044	
e: design@maxdesignconsultancy.co.uk		w: maxdesignconsultancy.co.uk	
status: PLANNING			
client: Thompson			
project: OAK TREE FISHERIES			
title: SITE PLAN AS PROPOSED			
scale: As Shown@A0		date: AUG 2022	
project no.: 22014	drawn: PW	number: 004	rev.: -



TOWN AND COUNTRY PLANNING ACT 1990

FULL PLANNING PERMISSION

APPLICATION NO: PA/2022/504

Address/Agent:

Mrs Angela Simmonds
Mark Simmonds Planning Services
Mercury House
Willoughton Drive
Gainsborough
DN21 1DY

**North
Lincolnshire
Council**

www.northlincs.gov.uk

Church Square House
30-40 High Street
Scunthorpe
North Lincolnshire
DN15 6NL

Applicant: Mr & Mrs Adele Thompson

North Lincolnshire Council hereby gives notice that the application received on 24/05/2022 for:

Planning permission for the siting of 10 holiday lodges and 6 shepherds huts at Oak Tree Fishery, Station Road, Graizelound, DN9 2NQ

has been considered and that permission for this development in accordance with the plans and written particulars submitted has been granted subject to the following conditions and reasons:

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:

- Proposed Site Plan plan - 004;
- Cabin Type 2 Elevations & Floor Plans plan - 004;
- Cabin Type 1 Elevations & Floor Plan - 002;
- Shepherds Hut Elevations & Floor Plan - 005;
- Proposed Site Plan - 001;
- Site Plan as Existing - 003.

Reason

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

3.

Notwithstanding the hereby approved plans as set out in condition 2 above, no development shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development (Ten Lodges and Six Shepherd huts) and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

No lodges or huts on site shall be occupied until the vehicular access to the site, the internal infrastructure and the vehicle parking facilities have been completed in accordance with the submitted details and once completed all these facilities 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 external lighting shall be installed until an assessment of the potential for light impact has been undertaken, submitted to and approved in writing by the Local Planning Authority. The assessment shall include:

- Identification of sensitive receptors likely to be impacted upon by light nuisance
- A lighting scheme which proposes methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Once approved the agreed lighting scheme shall be implemented and permanently retained. Any deviation from the agreed lighting scheme shall require approval in writing by the Local Planning Authority.

Reason

For the protection of residential amenity in accordance with planning policy DS1.

6.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

Reason

To ensure that risks from land contamination to the 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.

7.

The development shall be carried out in accordance with the submitted Noise Management Plan (Prepared and Issued By: Simmonds Planning Ltd) and Site Rules, and the following mitigation measures detailed:

- TV's, radios, hi-fi systems, musical instruments or other such appliances should NOT be played at a volume to cause a nuisance to others, especially between the hours of 10pm and 8.30am,
- the site will be closed to traffic from 10pm to 7.30am during which time noise should be kept to a minimum and a quiet period observed for the benefit of all campers.
- Vehicle drivers, motorcyclists and cyclists are required to adhere to the site's 5 mph speed limit, and
- Pitches are available from 1pm with the latest attended arrival and pitching 8pm.
- No night fishing is allowed, all fishing shall cease by 8.30pm every day.

Reason

For the protection of residential amenity in accordance with planning policy DS1 of the North Lincolnshire Local Plan.

8.

The use of the site shall be for short-term use only and no lodge or shepherd hut shall be occupied on the site for more than 28 consecutive days in any 12- month period.

Reason

The site is for holiday use only and is inappropriate for permanent residential development, being within the open countryside in accordance with policy RD2 of the North Lincolnshire Local Plan

9.

The lodges and shepherd huts on the site shall be occupied for holiday purposes only and not as a person's sole or main place of residence. An up-to-date register of all occupiers on the site (including details of their home address) shall be maintained and this information shall be made available at all reasonable times to the local planning authority.

Reason

To ensure the approved holiday accommodation is not used for unauthorised permanent residential occupation.

10.

The development hereby approved shall be used solely by the proposed lodges and shepherd huts. At no time shall the site be used for the touring caravans, campervans or tents.

Reason

In the interests of visual amenity in accordance with policies DS1 and LC14 of the adopted North Lincolnshire Local Plan.

11.

the development shall be carried out in accordance with the submitted Flood Risk Assessment dated August 2021 and Addendum Flood risk Assessment dated 4 October 2022, both compiled by Mark Simmonds Planning Services). In particular, finished floor levels shall be set no lower than 4.1m above Ordnance Datum (mAOD) as stated in the Addendum. The flood risk mitigation measure shall be maintained throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CS19 of the North Lincolnshire Core Strategy 2011.

12.

No development shall take place until a detailed surface water drainage and foul sewerage scheme for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change which should be based on the current national guidance) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be considered. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above ground solutions.

The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, to ensure the implementation and future maintenance of the sustainable drainage structures and to minimise the risk of pollution in accordance with Policy DS16 of the North Lincolnshire Councils Local Plan & Policies CS18 and CS19 of the North Lincolnshire Councils Core Strategy and paragraphs 155, 157, 163 & 165 of the National Planning Policy Framework.

13.

The drainage scheme shall be implemented in accordance with the approved submitted details required by the above condition (reference approved condition 10 above) and shall be completed prior to the occupation of any dwelling or building within each phase or sub phase of the development on site and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with Policy DS16 of the North Lincolnshire Councils Local Plan & Policies CS18 and CS19 of the North Lincolnshire Councils Core Strategy and paragraphs 155, 157, 163 & 165 of the NPPF

14.

Within 3 months of the commencement of development, the applicant or their successor in title shall submit a biodiversity metric assessment and biodiversity management plan to the local planning authority for approval in writing.

The document shall include:

- a) An assessment of biodiversity loss based on the habitat and hedgerow baseline in the submitted existing site plan ref 003, dated January 2022;
- b) Details of measures required to provide at least 1% biodiversity net gain in accordance with the Defra Biodiversity Metric Version 3.1;
- c) Details of bat boxes and nestboxes to be installed;
- d) Restrictions on lighting to avoid impacts on bat roosts, bat foraging areas bird nesting sites and sensitive habitats;
- e) Prescriptions for the planting and aftercare of native trees and shrubs of high biodiversity value;
- f) Prescriptions for the management of invasive species that may become established;
- g) Proposed timings for the above works in relation to the completion of the dwellings.

Biodiversity units should be delivered on site, within the red line and blue boundaries shown on the submitted location plan. Those that cannot viably be delivered on site should be delivered locally, according to a local plan or strategy.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy

15.

The Biodiversity Management Plan shall be carried out in accordance with the approved details and timings for a period of at least 30 years, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the operation of the holiday lodges or shepherd's huts, 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 CS5 and CS17 of the Core Strategy

Dated: 30/11/2022

Signed:



Chris Barwell
Development Management Lead

Informative 1

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.

Informative 2

Access for Fire Service

It is a requirement of Approved Document B5, Section 15 Commercial Properties or B5, Section 13 for Domestic Premises that adequate access for fire fighting is provided to all buildings or extensions to buildings.

Where it is a requirement to provide access for high reach appliances, the route and hard standing should be constructed to provide a minimum carrying capacity of 24 tonnes.

Water Supplies for Fire Fighting

Adequate provision of water supplies for fire fighting appropriate to the proposed risk should be considered. If the public supplies are inadequate it may be necessary to augment them by the provision of on-site facilities. Under normal circumstances hydrants for industrial unit and high risk areas should be located at 90m intervals. Where a building, which has a compartment of 280m² or more in the area is being erected more than 100m from an existing fire hydrant, hydrants should be provided within 90m of an entry point to the building and not more than 90m apart. Hydrants for low risk and residential areas should be located at intervals of 240m.

If you require further advice or clarification of any of the above matters, please contact the Fire Safety Inspector:

Patrick Connelly

Business Safety Inspector

Tel: 01724 295914

Email: pconnelly@humbersidefire.gov.uk

Informative 3

The site currently has planning permission for 40 touring pitches and one residential static caravan.

The proposed development of 6 shepherds huts meets the definition of a caravan under the Caravan Sites and Control of Development Act 1960 (as amended) and will need licencing.

Should the proposed development of 10 holiday lodges be based on static caravans or the structures meet the definition of a caravan under the Caravan Sites and Control of Development Act 1960 (as amended), they will need licencing.

Informative 4

Drainage and sewage facilities shall meet the requirements of the increased number of units on the site.

Sufficient sanitation and washing facilities shall be provided to meet the relevant model standards for units without facilities.

* Section 25 of the Model Standards 1989: Holiday Caravan Site.

- Men: 1 WC and 1 urinal per 15 caravans.
- Women: 2 WCs per 15 caravans
- Or 4 unisex WCs per 15 caravans
- 1 wash basin (with hot and cold water) for each WC or group of WCs
- 1 shower or bath (with hot and cold water) for each sex per 20 caravans
- Or 2 unisex showers or baths per 20 caravans

*Section 25 of the Models Standards 1983: Touring Caravan Sites

- Men: 1 WC and 1 urinal per 30 pitches.
- Women: 2 WCs per 30 pitches
- Or 4 unisex WCs per 30 pitches
- 1 wash basin (with hot and cold water) for each WC or group of WCs
- 1 shower or bath (with hot and cold water) for each sex per 20 pitches
- Or 2 unisex showers or baths per 25 pitches

*Toilet blocks should be sited conveniently, so that all site occupants may have reasonable access to one by means of a road or footpath.

*The units shall be sited to meet the spacing standards under sections 2 and 3 of the Model Standards 1989: Holiday Caravan Site.

*Suitable hardstanding's shall be provided for each proposed unit allowing sufficient space for safe access and exit from all doorways, to meet section 5 of the Model Standards 1989: Holiday Caravan Site.

*Suitable pavements and roads shall be provided to access the proposed units to meet Section 4 of the Model Standards 1989: Holiday Caravan Site.

*Sufficient parking for the proposed development shall be provided for each unit and for visitors to the site, to meet section 27 of the Model Standards 1989: Holiday Caravan Site.

*The owners will be required to obtain a caravan site licence and ensure that the site meets the Model Standards 1989: Holiday Caravan Site or Model Standards 1989: Holiday Caravan Site as appropriate.

Informative 5

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011.

Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Informative 6

Our records indicate that the proposed development site is bounded by, or has running through it, a watercourse (Surface water pipe/culvert or ditch). Following inspection, the watercourse may need to be cleared, replaced, protected or diverted by the landowner at their expense in accordance with their riparian responsibilities. An easement adjacent to the watercourse may need to be provided for future maintenance. Any other drainage feature found during excavations must be immediately reported to the LLFA Drainage Team, via email prior to any further construction works being carried out. Please refer to the attached document detailing riparian rights and responsibilities <http://m.northlincs.gov.uk/public/publications/RiparianGuidance/index.html#page=1>. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Informative 7

Alterations and/or connections into the watercourses must be consented by North Lincolnshire Councils LLFA Drainage Team, in their capacity as Lead Local Flood Authority, and/or the local Internal Drainage Board through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please contact the LLFA Drainage team via email for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Informative 8

The EA note that no details have been provided of the treatment or disposal of sewage from the toilets and washing facilities within the huts and lodges.

A previous application mentioned a cess pit or tank on site. The operator is responsible for ensuring that the existing arrangements provide sufficient capacity for the additional accommodation.

If the cesspit discharges, there are surface waters nearby that the stored effluent could make its way to, causing a pollution incident. The EA will use their enforcement powers in circumstances where cesspools discharge or are likely to discharge and cause pollution of surface or ground water.

Should the operator consider installing additional facilities, a permit may be required from the Environment Agent. Further information is available at: Septic tanks and treatment plants: permits and general binding rules - GOV.UK(www.gov.uk)

WARNING

THIS DOCUMENT DOES NOT CONSTITUTE ANY
APPROVAL UNDER THE BUILDING REGULATIONS

WARNING

This is a PLANNING PERMISSION ONLY. It does NOT convey any approval or consent required under any enactment, byelaw, order or regulation other than those referred to in the heading of this notice. It is IMPORTANT that you should read the notes concerning APPEALS below.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier

Please note however:

If your application was for **householder development** (dwelling house extensions, alterations, garages, swimming pools, walls, fences, vehicular access, porches, satellite dishes etc) or for a minor commercial application then you must do so **within 12 weeks** of the date of this notice.

- Appeals can be made online at <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#)

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the council in whose area the land is situated. This notice will require the council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.