

**Parish: Newton on Ouse**

Ward: Easingwold

**10**

Committee Date: 31 March 2016

Officer dealing: Mr A Cunningham

Target Date: 8 February 2016

**15/02525/FUL**

**Engineering operation to form 11 fish farm ponds and construction of 2 polytunnels at Land To West Of Beeches Farm, Tollerton Road, Newton on Ouse for Christopher Rooke, RW Rooke & Sons**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 This application is brought before Members of the Planning Committee as the applicant is the Ward Member for Easingwold and a member of the Planning Committee.
- 1.2 The proposed fish farm ponds and polytunnels would be positioned to the west of the public highway of Tollerton Road. The site size extends to a total area of 0.4 hectares. Access to the site would be via the existing access track from the public highway to the adjacent agricultural buildings.
- 1.3 The fish farm would be for private commercial purposes only and would not involve access by members of the public. Clarification is being sought as to how the farm would operate in terms of the feed inputs and stock and waste outputs to and from the enterprise.
- 1.4 The land is currently an agricultural field for crops.
- 1.5 The polytunnels would extend to 33.5m in length by 9.1m in width, with a total height of approximately 3m. The proposed ponds would vary in size but would extend to a total depth of 1.2m. A perimeter 2m high wire fence is proposed to enclose the site.
- 1.6 The primary operator of the site would reside at Beeches Farm to the east of the public highway.
- 1.7 The applicant advises that vehicle movements associated with the site would normally comprise one delivery of new fish or fry in the spring and one movement off the site of harvested fish in the autumn.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 2/97/109/0133 - Outline application for the construction of an agricultural workers dwelling; Granted 27 May 1997.
- 2.2 2/97/109/0133A - Construction of an agricultural workers dwelling; Granted 18 August 1997.
- 2.3 05/01981/FUL - Construction of an agricultural building; Granted 10 October 2006.
- 2.4 09/03917/FUL - Construction of a treated timber clad building for the storage of machinery and produce; Granted 26 June 2010.
- 2.5 There is no planning enforcement history.

### **3.0 NATIONAL AND LOCAL POLICY**

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP15 - Rural Regeneration  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP1 - Protecting amenity  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Development Policies DP43 - Flooding and floodplains  
National Planning Policy Framework

### **4.0 CONSULTATIONS**

4.1 Parish Council - This Parish Council APPROVES this application with the following observations: Fence erected to prevent otters accessing the ponds. Consultation takes place with Newton on Ouse Angling Club.

4.2 Highway Authority - no objections.

4.3 Environmental Health - Further to your recent consultation I would advise you that I have no objection in principle to the above application. However this Service has in the past received complaint about the use of bird scarers at fishing ponds. It is noted that this is not an application for a fishing pond and that no mention is made of the proposed use of bird scarers. To allow for the control of audible scarers, should they be needed, I would recommend that the following condition be added, should permission be granted. 1. No audible scarers shall be used without the written approval of the local planning authority.

4.4 Environment Agency - no comments to make.

4.5 Yorkshire Water - It is noted from the information submitted, that surface water overflows from the ponds, are indicated to be drained into existing local land drainage system. Please seek comments from your Drainage Section (Land Drainage Authority) and/or local Internal Drainage Board (IDB - if one in area).

4.6 Internal Drainage Board - response awaited.

4.7 Site notice and neighbours - no responses received.

### **5.0 OBSERVATIONS**

5.1 The main planning issues to take into account when considering this application relate to the principle of the proposed use, engineering operations and structures in this location, any impact on the visual amenity of the surrounding area, any impact on neighbour amenity, and any highway safety issues that may arise.

5.2 The applicant has advised that the proposed fish farm would be for private purposes, this is understood to indicate that the site is for growing fish from the size of fry to

small fish when they would be sold to other sites. It is understood that the site will not be used for angling and therefore there would be no reason for public access to the site.. The use would be associated with Beeches Farm where the applicant resides and which is located immediately east of the application site. The close proximity of the site to the applicant's residence coupled with the use being for private purposes mean that the development would be small scale, sustainable and would minimise the need to travel in accordance with policies CP1 and CP2. The proposal complies with the first exceptional circumstance of policy CP4 insofar as it is necessary to meet the needs of a business with an essential requirement to locate in the countryside due to the area of land involved for the business and serves to support a sustainable rural economy. The principle of the use is acceptable.

- 5.3 The below ground works would not harm the locality given the screening of the site by established hedgerows. The scale and design of the polytunnels, due mainly to the low overall height of the polytunnels, would not erode the visual amenity of the surrounding countryside. The works on site are considered acceptable.
- 5.4 The site is isolated from other property and the low intensity of the use would in any case not be likely to give rise to a loss of neighbour amenity.
- 5.5 The level of vehicle movements anticipated by the applicant appear 'low' for the size of operation proposed however considering the location of the site, and the existing access, and the potential to impose a planning condition regarding the use of the site for growing purposes and prohibiting angling the development would not give rise to an adverse impact on highway safety.
- 5.6 The application has been advertised by site notice, through the work of the Parish Council and on the Council's website. Although the Parish Council made reference to the potential interest of the proposal by Newton on Ouse Angling Club no response has been received from the Angling Club. Matters of security fencing against intruders/predators are for the operator and unless the security measures required planning approval would not be relevant to planning.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
  - 1. The development hereby permitted shall be begun within three years of the date of this permission.
  - 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings received by Hambleton District Council on 9 November 2015, 14 December 2015 and 5 January 2016 unless otherwise approved in writing by the Local Planning Authority.
  - 3. The ponds on the site may be used for the breeding and growing of fish and shall not be used for angling.
  - 4. No audible bird scarers shall be used without the written approval of the Local Planning Authority.

The reasons for the above conditions are:

- 1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP16, CP17, DP1, DP28 and DP32.
3. To ensure that the principle of development in this location is acceptable, and that the use of the site does not give rise to amenity and highway safety issues.
4. In the interests of the amenities of occupants of residential property in the surrounding area in accordance with policy DP1 of the Hambleton Local Development Framework.