COMMITTEE EXTRACT

Committee Date: 13 January 2009

Reference:- 08/01031/FUL **Parish:- Peckleton Parish Council**

Applicant:- Mr Roy Marlow
Mallory Park Fisheries
PO Box 5041
Leicestershire
LE8 6WR

Location:- The Glebe Field Peckleton Common Peckleton Leicester Leicestershire

Proposal:- ERECTION OF FISHERY MANAGERS DWELLING (REVISED SCHEME)

Introduction:-

This is a resubmitted full application for the erection of a permanent fishery managers dwelling at Glebe Field, Peckleton Common in association with Glebe Fisheries. The fishery forms part of Mallory Park Fisheries and consists of a number of fishing pools, fish stock rearing ponds, 'eco-ponds' and set aside nature and woodland areas accessible by numerous waterside and woodland pathways on a site covering approximately 13 hectares to the east of the village of Peckleton. The site currently has a temporary static caravan granted planning permission for a period of three years in August 2003 that has been occupied by the applicant during this time.

The site slopes generally to the south, is open in character and has discreet access from Peckleton Common from which it is screened by natural hedgerow. The car parking and support facilities are obscured from the wider countryside to the south by additional landscaping and bunds. The site has been developed as a fishery over a number of years and with continuous enlargement and investment now forms a substantial leisure facility with significant additional benefits to the wider community.

A Design and Access Statement has been submitted in support of the application which states that the proposal seeks to provide a permanent dwelling of a scale commensurate with the needs of the business manager to oversee the daily operation of the business and to create a sustainable individually designed property that respects and responds to its setting in the countryside and minimises its visual intrusion, whilst enabling proper surveillance and security across the holding. The application proposes a two-storey four bedroomed house together with additional single storey outbuildings providing garaging, office and workshop space. The ground floor of the dwelling will be obscured by existing earth bunding to the south with living accommodation provided at first floor to maximise surveillance. The dwelling has a modern appearance with the use of a variety of natural materials including brick at ground floor, timber cladding at first floor, glazed elements stretching from floor to eaves level and slate roof. The separate outbuilding has been designed as a more subsidiary agricultural type building clad in timber.

The Design and Access Statement advises that the granting of planning permission for a temporary dwelling on the site in August 2003 has established the functional need for the dwelling for the fishing enterprise. Following which, significant additional investment has been made in developing the site further. A separate Fisheries Appraisal was submitted with the previous application that provided justification for a permanent dwelling as essential to safeguard the welfare of the fish stocks and life support equipment, as the only means of safeguarding the business from vandalism, fish thefts and natural predation, and to safeguard the health and safety of visitors to the site.

A Financial Appraisal has been submitted in support of the application providing details of the financial status of the fishing enterprise and its ability to sustain the cost of a permanent dwelling of the scale proposed on the site.

The Ecological Report submitted with the application concludes that the proposed development would have a very low risk of any detrimental impact on protected species as the actual development site

does not have the required habitats and the adjacent water bodies are subject to intensive management.

In addition, a number of letters of support have been submitted by the applicant, Members of Parliament, a number of national and local angling associations, clubs, charities and national fishing publications. These promote the benefits of the Glebe Fisheries not only to anglers but also in terms of the social, economic, ecological and environmental benefits of the project to the wider community, including the young, old and disabled. They also give testimony to the generosity and support provided by the applicant to various charity events and to the remarkably high quality of the facility which has recently been accredited with a Gold Fishery Accreditation Award supported by the Government, Environment Agency, The Angling Foundation and the Institute of Fisheries Management.

History:-

07/01491/FUL	Erection of Fishery Managers Dwelling	Refused	13.02.08
02/00145/OUT	Erection of Fishery Managers Dwelling (Temporary Mobile Home)	Approved	19.08.03
02/0144/FUL	Fish Husbandry and Fishing Pools	Approved	13.09.02
99/00339/FUL	Erection of Toilet Block	Approved	27.05.99
97/01105/COU	Excavation and Construction of 4 Fishing Pools, Conservation Area and Associated Car Parking	Approved	09.03.98
94/00102/COU	Change of Use of Agricultural Land to Recreational Fishing including Excavation of Pools	Approved	12.05.94

Consultations:-

No objection has been received from Director of Highways, Transportation and Waste Management (Highways)

No objection subject to standard conditions has been received from:-

Severn Trent Water
Head of Community Services (Pollution)
Head of Community Services (Land Drainage)

Director of Community Services (Ecology) refers to Trigger note F and the proximity of water bodies to the proposed development.

Borough Council's Agricultural Appraisal Consultant is in the process of conducting a formal appraisal of the functional and financial tests required by Annex A of Planning Policy Statement 7, as guidance in determining the application. Whilst the formal written response has not yet been received at the time of writing this report, the verbal indication is that his advice is that if the Local Planning Authority accepts that there is a functional need for a dwelling on the site, that the fishery enterprise is able to sustain the cost of the proposed dwelling with a floor area of not more than 185 square metres.

Site notice posted and neighbours notified, one letter received stating no objections and that the scheme just seems smaller.

No response has been received at the time of writing this report from Peckleton Parish Council.

Development Plan Policies:-

Central Government Guidance

Planning Policy Statement 7: Sustainable Development in Rural Areas sets out the Government's planning policies for rural areas. Paragraph 1 advises that new building development in the open countryside outside existing settlements should be strictly controlled in order to protect the countryside for its intrinsic beauty. Paragraph 10 makes it clear that isolated new dwellings in the countryside require special justification for planning permission to be granted. Further advice is provided in Annex A to PPS7 which states that one of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full time workers to live at, or in the immediate vicinity of, their place of work.

In assessing planning applications for new dwellings in the countryside Annex A requires a functional and financial test to be applied in order to give consideration to: the nature of the holding and the functional need/necessity for the person to live on site, having regard to the security and efficient operation of the holding, (e.g. if a worker is needed day and night to provide essential care at short notice and deal quickly with emergencies that could otherwise cause serious loss of crops or products); the financial viability of the holding to sustain the worker in full time employment; the availability of suitable existing accommodation nearby. In addition, the agricultural dwelling should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the needs of the unit or expensive to construct in terms of the income it can sustain in the long term should not be permitted. It is the requirements of the enterprise not those of the owner or occupier that is relevant in determining the size of the dwelling that is appropriate.

Local Plan Policy

The site is located outside of the settlement boundary of Peckleton in the countryside as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1 seeks to ensure a high standard of design in order to safeguard and enhance the existing environment and states that planning permission will be granted where the development: complements or enhances the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features; avoids the loss of open spaces and features which contribute to the quality of the local environment; has regard to the safety and security of individuals and property; incorporates landscaping to a high standard; ensures adequate highway visibility for road users and adequate off street parking and manoeuvring facilities; does not adversely affect the occupiers of neighbouring properties.

Policy NE5 states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is important to the local economy and cannot be provided within or adjacent to an existing settlement; and only where it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of the general surroundings, will not generate traffic likely to exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping.

Policy RES12 states that in assessing applications for new dwellings required to accommodate a person employed in agriculture: the agricultural holding must be of a nature that requires the person to live on the site, having regard to the efficient operation of the holding; the holding must be sufficiently viable to sustain any additional worker in full time employment; the availability of suitable alternative accommodation in the local housing market.

Appraisal:-

The main considerations in respect of this application are the principle of development and the layout and design of the proposed dwelling.

Principle of Development

The site is located in the countryside where new residential development is strictly controlled in order to protect the countryside for its own sake. Developments involving recreation or tourism can be appropriate in countryside locations where they help to sustain a healthy rural economy and the Glebe Fisheries has been established through the implementation of these policies and the provision of

substantial public and private funding. The site has become an important and highly regarded commercial and recreational fishing facility also supporting areas of significant ecological and environmental benefit.

Annex A of PPS7 states that Authorities should not normally give temporary permissions in locations where they would not permit a permanent dwelling. Planning permission for a temporary dwelling was granted in 2003 for a period of 3 years and this has established a functional need for a dwelling on the site. This permission gave the applicant an opportunity to make further investment into the fishery and to demonstrate that the financial status and viability of the enterprise could support a permanent dwelling. The protection of the site from trespass, vandalism, theft and predation, as well as the day to day management of vulnerable young fish stocks from disease, changes in water quality, vital equipment failure and dramatic weather changes are all material planning considerations, as is the longer term viability of this recreational fishery. The undertaking of breeding and rearing fish stocks within the site to avoid disease transference has also resulted in closer supervision requirements since it was first opened.

Whilst the proposed dwelling is not required in connection with agriculture, similar proposals for dwellings in association with fishery facilities in other areas of the country have usually been assessed against the same guidance as agricultural dwellings in terms of their functional and financial need. Whilst the formal written response of the Borough Council's Agricultural Appraisal Consultant has not been received at the time of writing this report, the verbal indication is that in his opinion, if the Local Planning Authority accepts that there is a functional need for a dwelling on the site, the financial details provided support the application in terms of the viability of the enterprise to sustain the cost of a permanent dwelling of not more than 185 square metres. In such circumstances, the holding would pass the functional and financial tests set out in Annex A of PPS7. In addition, following further appreciation of the wider importance of this facility in relation to educational recreation and community involvement, Officers are of the opinion that there is a clear functional need for a residential presence at this unique facility.

Layout and Design

The siting of the proposed dwelling adjacent to the existing static caravan and close to the entrance to the site on the north side of the holding will limit the impact of the dwelling on the surrounding countryside whilst providing an optimal outlook over the site and providing a visible deterrent for security purposes. It will be screened from the nearest highway (Peckleton Common) to the north by existing hedgerow and additional earth bunding and planting and partly screened from the surrounding countryside to the south by existing earth bunds and further landscaping. The access drive will be taken from the existing car parking area and utilises the existing entrance to the fishery.

The proposed dwelling is two-storey in scale with a ridge height of 7.9 metres accommodating a reception and lobby area, four bedrooms, bathroom, en-suite and boot room on the ground floor and two reception rooms, kitchen/dining room and decked balcony area at first floor providing maximum surveillance over the fishing lakes from the main living areas. Overall the dwelling provides 185 square metres of floor space, a reduction from 231 square metres of the previously proposed dwelling. In addition, a separate single storey building provides an office, double garage, workshop, shower room and log store.

The proposed dwelling has an attractive contemporary design with protruding balconies and chimney stacks and a modern appearance with a mixture of external materials including elements of red brick to the ground floor, dark stained timber cladding to the first floor, full-height glazed elements with timber sun louvres and an asymmetric pitched slate roof. The single storey outbuilding is more traditional in appearance with a simple timber clad design and encloses a private courtyard area. The use of traditional materials reflects the character of other dwellings in the surrounding area, whilst the incorporation of natural materials is designed to reflect its rural location. The design of the building has also had regard to sustainability and seeks to maximise the levels of natural light, warmth, drainage, energy efficiency and ventilation. The proposals are to include additional landscaping and planting together with limited hard landscaping to help to reduce the impact of the development on the visual appearance of the countryside.

Conclusion

There is considerable support for the applicant and the application both nationally and locally from the Member of Parliament, angling associations, clubs, schools, charities and fishing publications. The principle of a functional need for a dwelling on the site was established by the grant of planning permission for the temporary mobile home in 2003 and this is supported by the important social endeavours undertaken at the site. The proposed dwelling has been reduced in size from the previously refused application and the financial appraisal confirms that the enterprise can sustain a dwelling of the size proposed to pass the tests contained within Annex A of PPS7.

RECOMMENDATION :- Permit subject to the following conditions :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it passes the functional and financial tests of Annex A of Planning Policy Statement 7 and would not have an adverse impact upon the character or appearance of the countryside.
Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, NE5 and RES12

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The occupation of the dwelling shall be limited to a person solely employed in the operation of the Glebe ~~Field~~ Fishery complex.

3 Prior to first occupation of the dwelling hereby approved the temporary mobile home shall be permanently removed from the site.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by (Amendment)(No.2)(England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A to E inclusive shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

5 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling and outbuildings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

6 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

i) hard surfacing materials
ii) planting plans
iii) written specifications
iv) schedules of plants and trees, noting species, plant sizes and proposed numbers/densities
v) implementation programme.

7 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reasons :-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The site lies within an area of countryside where the Local Planning Authority would not normally grant permission for residential development and to accord with Planning Policy Statement 7 and policies RES12 and NE5 of the adopted Hinckley and Bosworth Local Plan.

3 To define the permission and to ensure that the temporary mobile home is removed from the site to protect the character and appearance of the countryside and to accord with Planning Policy Statement 7 and policies RES12 and NE5 of the adopted Hinckley and Bosworth Local Plan.

4 To safeguard the visual amenities and the rural character of the area to accord with Planning Policy Statement 7 and policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.

5 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

6 To enhance the appearance of the development to accord with policy BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.

7 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3. As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 List of Plans used in the determination of the application:- Drg. No. PL.01; PL.02 A; PL.03 C; PL.04 D; PL.05 A; PL.06 D; PL.07 C and PL.08 A.

Contact Officer:- Richard Wright Ext 5894