

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H14-1077-21	Applicant:	Mrs S Grant-Rolls
Proposal:	Change of use from agricultural land to dog walking field, with dog training as an ancillary use (5 hours a week), including lighting - re-submission of H14-0364-21		
Location:	Land To Rear Of Northgate Farm Northgate West Pinchbeck		
Terminal Date:	13th December 2021		

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

01	Spatial Strategy
02	Development Management
03	Design of New Development
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

Sections 12 and 15 of the National Planning Policy Framework (2021)

- 12 - Achieving well-designed places
- 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

RESIDENTS	0	3	0	1
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CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application on land to the rear of Northgate Farm, Northgate, West Pinchbeck for change of use from agricultural land to dog walking field, with dog training as an ancillary use (5 hours a week), including lighting - re-submission of H14-0364-21. The proposal seeks to utilise an area of agricultural land that is 1.61 hectares in size for secure off lead exercise. The field will be bordered by a 1.8 metre high stock fence with wooden poles. Two storage areas have been identified for training equipment. One area is an existing shed and the other area is located in a partially enclosed area to the rear of an agricultural shed.

The applicant seeks to provide one hour sessions for exclusive use of the field for up to 6 dogs at any time. The proposed hours of operation are between 7am and 7pm although the applicant will not fully utilise these hours in winter darkness as no external lighting is proposed for the site. Dog waste bins will be provided around the field, and these bins will be emptied by an external contractor. Dog training for up to 6 dogs is intended to take place on site for a limited period of around 5 hours a week.

The sole difference between this application and the previously approved application is the siting of a portable lighting unit approximately 4 metres in height. The applicant is only seeking to utilise the lighting in periods of low light when the field is in use. The lighting will not be used at any time outside of operational hours. This would be secured by condition. The lighting is angled downwards to solely cover the site and is set somewhat back in the site, away from residential dwellings.

SITE DESCRIPTION

The proposal site is outside of defined settlement limits with linear development to the south and arable fields to the north, west and east of the site. The application area is in Environment Agency Flood Zone 3, and in a Low Hazard area, with a maximum predicted flood depth of 0.5 metres on the 1% 2115 South Holland Strategic Flood Risk Mapping.

HISTORY

H14-0364-21

Full - Change of use from agricultural land to dog walking field, with dog training as an ancillary use (5 hours a week) - Approved - 17 June 2021.

CONSULTATION RESPONSES

SHDC - Councillor Sneath

It's disappointing that the applicant has installed the lighting without the benefit of approval from the Local Planning Authority, (No 6 in the list of conditions of their Planning Consent states this approval must be given before Lighting is installed) and it is already being used. I am also concerned about the effect this large, harsh and extremely bright lighting will have on wildlife in this very rural area - not just the impact on human residents along Northgate. Light pollution has an overall negative effect on wildlife because it disturbs the way animals and birds perceive daytime and night time. It upsets their natural behaviour, especially birds that hunt at night or migrating birds which navigate using starlight or moonlight. Nocturnal animals like bats are active at night and can be drawn to the artificial lighting to catch the insects that are also attracted with fatal consequences for both. This can impact on other species such as owls when their food source declines. There is a tawny owl living along Northgate which will suffer if food becomes scarce in its hunting grounds. This is an area with much varied wildlife and birds that have for many years

flown over this area, arriving or leaving local nesting sites and marsh land close to the coast may wander off course.

The lights need to be angled downwards, so that no light shines upwards. Tree and shrub planting along the paddock boundaries would eventually help shield areas around the site from the harmful effects of the lights.

LCC - County Highways & SUDS Officer

"Our comments dated 29th April 2021 under application H14-0364-21 remain the same, however we would advise that any flood lights that are erected within the site, shall be of a low LUX level and positioned at an angle as not to create glare within the vision of drivers of the public highway, in respect of highway safety."

SHDC - Environmental Health Technician

No objection.

Black Sluice Internal Drainage Board

"Please remind the applicant of their common law riparian ownership and maintenance responsibilities for any watercourse crossing or bounding their land. If the applicant or their successors intend to pipe or fill any open watercourses, now or at any time in the future, then under Section 23 of the Land Drainage Act 1991, the prior written consent of the Board is required. This is mandatory."

Member of the public - 3

Support

"This is a perfect opportunity to take our dogs out after work. I don't walk well and feel some places are not safe in the dark. This is amazing safe and secure and I cant thank them enough for the lighting so we can still go in the winter."

"This is such a great facility for me to take my dog so I have no worries about letting him off the lead. Now the nights are drawing in it is perfect to have lights in so that I can still use the facility when it is dark"

"I think having the lighting is an excellent idea for people who cannot walk their dogs in daylight. When the bad weather comes it can make taking dogs out safely challenging. The lights offer a safe secure environment for dogs to exercise off lead without encountering any problems the darker evenings bring."

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Countryside. This section of the policy states:

"The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside.

In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits."

When assessed against the above criteria the following can be observed:

This proposal is for a change of use of land that does not require any material works to the land other than the erection of a boundary fence. Should the proposed use cease then the land could return to agricultural use without any harm having occurred during the time of the proposed use. It is considered that economically the site will provide employment in the local area. With regard to community, the proposal will provide a safe site for dog walking and provide an area for dog walkers to recreate. Environmentally, there a dog bins at various points around the site and the bins will be

emptied by a contractor on a regular basis. The visual impact on the wider area would be minimal.

The proposal accords with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the above relevant criteria the following can be observed:

1. The size, scale and layout of the proposal is considered to be commensurate with other dog walking fields, and is of an appropriate size for the proposed use. There is not considered to be a material impact on the character and appearance of the surrounding area, due to the proposed use being located 190 metres away from the nearest unrelated dwelling and to the rear of existing farm buildings. The lighting unit will not be used outside of working hours and is approximately 330 metres away from the nearest property.
2. The design and orientation is considered to adequately meet the needs of the applicant without materially impacting neighbouring land uses.
3. The proposed 1.8 metre high stock fence is considered to be appropriate for the site. No other development is occurring.
4. The site can adequately accommodate 5 vehicles at any time in the allocated parking areas without impacting on health and safety. The existing access will not be altered.
5. The proposal is considered to benefit local community services and infrastructure by the creation of a business which can allow for the safe recreation of animals without impact on the residents of the surrounding area.
6. Due to the distance from nearby properties, it is unlikely that there would be any material noise, odour or disturbance impact. The proposal is not for kennelling and any waste on site will be regularly removed by approved contractors. The proposed 1.8 metre high stock fence is considered to be appropriate for the surrounding area and is not considered to constitute visual intrusion. SHDC's Environmental Protection Officer has no objections to the proposal subject to the permission being temporary to enable the Council to reassess this after a period of time. The lighting unit will not be used outside of working hours and is approximately 330 metres away from the nearest property. There is not considered to be a material impact from the lighting which will be angled downwards.
8. Given that the field is used no later than 7pm and only a single downward facing light is proposed, it is not considered that it would have a material impact on any wildlife or protected species, such as bats.
7. The application area is in Environment Agency Flood Zone 3, and in a Low Hazard area, with a maximum predicted flood depth of 0.5 metres on the 1% 2115 South Holland Strategic Flood Risk Mapping. The proposal is not for habitable rooms and therefore there is no need to raise site levels.

The proposal accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:

1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

When assessed against the above relevant criteria the following can be observed:

1. A sense of place is not considered to be impacted by this proposal. The site is considered appropriate for this use as it is large and allows for safe dog walking without impacting the character of the surrounding area. The size, scale and layout of the proposal is considered to be commensurate with other dog walking fields, and is of an appropriate size for the proposed use. The lighting unit will not be used outside of working hours and is approximately 330 metres away from the nearest property. There is not considered to be a material impact on the character and appearance of the surrounding area, due to the proposed use being located 190 metres away from the nearest unrelated dwelling and to the rear of existing farm buildings.

5. The site can adequately accommodate 5 vehicles at any time in the allocated parking areas without impacting on health and safety. The existing access will not be altered. Waste bins will be located around the site and will be emptied at regular intervals by an approved contractor.

11. Due to the distance from nearby properties, it is unlikely that there would be any material noise, odour or disturbance impact. The proposal is not for kennelling and any waste on site will be regularly removed by approved contractors. The proposed 1.8 metre high stock fence is considered to be appropriate for the surrounding area and is not considered to constitute visual intrusion. SHDC's Environmental Protection Officer has no objections to the proposal subject to the permission being temporary to enable the Council to reassess this after a period of time. The lighting unit will not be used outside of working hours and is approximately 330 metres away from the nearest property. There is not considered to be a material impact from the lighting which will be angled downwards.

12. The application area is in Environment Agency Flood Zone 3, and in a Low Hazard area, with a maximum predicted flood depth of 0.5 metres on the 1% 2115 South Holland Strategic Flood Risk

Mapping. The proposal is not for habitable rooms and therefore there is no need to raise site levels.

The proposal accords with SELLP Policy 3.

Assessment against Paragraph 83, Criterion B of the NPPF

This paragraph is under a section titled "Supporting a prosperous rural economy" and states "Planning policies and decisions should enable:...b)the development and diversification of agricultural and other land-based rural businesses"

It is considered that the proposal will support the development and diversification of Northgate Farm. Should the business cease to operate, the proposal as planned can be removed from site without damage to the existing agricultural land.

PLANNING BALANCE

The proposal is not considered to impact the character and amenity of the surrounding area. The lighting unit will not be used outside of working hours and is approximately 330 metres away from the nearest property. There is not considered to be a material impact from the lighting which will be angled downwards. The site could be returned to agricultural use in the future relatively easily. The proposal accords with Policies 1, 2, 3, 30, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 12 and 15 of the National Planning Policy Framework, 2021.

CONCLUSION

The recommendation is approval.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to

respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.