

SECTION 2 – ITEM 6

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|------------------------|--|-------------------------|-------------------------|
| Application No: | 19/P/1030/FUL | Target date: | 25.07.2019 |
| Case officer: | Jessica Smith | Extended date: | 22.11.2019 |
| Parish/Ward: | Portbury Gordano Valley | Ward Councillor: | Councillor Nigel Ashton |
| Applicant: | Mr John Wlaznik | | |
| Proposal: | Removal of existing shed and construction of storage barn to house equipment, machinery and materials for use in the maintenance and operation of the fishing lakes. | | |
| Site address: | Paddock Lakes, Sheepway, Portbury | | |

REFERRED BY COUNCILLOR ASHTON

Summary of recommendation

It is recommended that the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

The Site

The application site is located to the west of Sheepway and opposite Elm Tree Farm where there is a railway track to the south and open fields to the north with a hedgerow to the east boundary of the application site with Sheepway.

The application site is used for both agricultural use and as a fishing lake. The application site is mostly made up of open and generally level fields with an existing hard standing and access track serving the site. There is an existing storage shed and hardstanding parking area to the east of the application site with several shipping containers, van/lorry bodies and sheds located around the site and used for the storage of maintenance equipment.

The Application

Full permission is sought for:

- The removal of the existing shed and construction of a new storage barn to house equipment, machinery and materials for maintaining the fishing lake operations
- Extension of the existing hardstanding to provided 14 car parking spaces
- The new storage barn would be sited on the existing hardstanding in the same location as the existing shed
- The storage barn would be 10.30m in width, 15.30m in length and 4.23m in height to the apex of the roof

- The storage barn would have a corrugated mineral fibre cement roof with larch boarding walls and two roller shutter doors.

Relevant Planning History

| Year | Reference | Proposal | Decision |
|-------------|------------------|---|------------------|
| 2012 | 2010/0685/A & C | Enforcement Notices served against use of land for agriculture, equestrian and leisure use and for siting of storage containers etc. | Appeal dismissed |
| 2009 | 08/P/1568/F | Use of land for fishing lakes with construction of access track, bund, hardstanding for 14 cars, toilet and fishermen's mess room building, without complying with condition 3 of planning permission 06/P/2153/F to permit opening hours to be extended to 7.30am - 9.30pm April to September and 8.00am - 7.00pm October to March | Appeal allowed |
| 2007 | 06/P/2153/F | Change of use of agricultural land to fishing lake. Construction of track from existing access. Excavation works to create lake (part-retrospective). Creation of hardstandings for a total of 14 cars. Erection of toilet and fishermen's mess room building. Creation of a bund to the east of the lake | Approved |

Policy Framework

The site is affected by the following constraints:

- Within the Green Belt
- Outside of any established settlement boundary
- Within Horseshoe Bat Zone C
- Within Flood Zone 1
- Within Landscape Character Assessment Area A2 – Clapton Moor

The Development Plan

North Somerset Core Strategy (NSCS) (adopted January 2017)

The following policies are particularly relevant to this proposal:

| Policy Ref | Policy heading |
|-------------------|---|
| CS2 | Delivering sustainable design and construction |
| CS3 | Environmental impacts and flood risk management |
| CS4 | Nature Conservation |
| CS5 | Landscape and the historic environment |
| CS6 | North Somerset's Green Belt |
| CS10 | Transport and movement |
| CS11 | Parking |
| CS12 | Achieving high quality design and place making |
| CS27 | Sport, recreation and community facilities |
| CS33 | Smaller settlements and countryside |

Sites and Policies Plan Part 1: Development Management Policies (adopted 19 July 2016)

The following policies are particularly relevant to this proposal:

| Policy | Policy heading |
|---------------|--|
| DM1 | Flooding and drainage |
| DM4 | Listed Buildings |
| DM8 | Nature Conservation |
| DM10 | Landscape |
| DM12 | Development within the Green Belt |
| DM22 | Existing and proposed railway lines |
| DM24 | Safety, traffic and provision of infrastructure etc associated with development |
| DM28 | Parking standards |
| DM32 | High quality design and place making |
| DM51 | Agriculture and land-based rural business development in the countryside |
| DM55 | Extensions, ancillary buildings or the intensification of use for existing businesses located in the countryside |
| DM68 | Protection of sporting, cultural and community facilities |

Sites and Policies Plan Part 2: Site Allocations Plan (adopted 10 April 2018)

The following policies are particularly relevant to this proposal:

| Policy | Policy heading |
|---------------|---|
| SA2 | Settlement boundaries and extension of residential curtilages |

Other material policy guidance

National Planning Policy Framework (NPPF) (February 2019)

The following is particularly relevant to this proposal:

Section No Section heading

| | |
|----|--|
| 2 | Achieving Sustainable Development |
| 9 | Promoting sustainable transport |
| 12 | Achieving well designed places |
| 13 | Protecting Green Belt Land |
| 14 | Meeting the challenge of climate change, flooding and coastal change |
| 15 | Conserving and enhancing the natural environment |
| 16 | Conserving and enhancing the historic environment |

Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- North Somerset Parking Standards SPD (adopted November 2013)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)

Consultations

Copies of representations received can be viewed on the council's website. This report contains summaries only.

Third Parties: 11 letters of objection have been received. The principal planning points made are as follows:

- The barn is too high. It is excessively large and industrial in appearance and obtrusive to local environment. It would not fit into rural surroundings
- Proposal not suitable in Green Belt or near Listed Building
- 14 car parking spaces excessive and should be located by roadside hedge
- No evidence of fishery business provided in support of application. No need for storage as fishing lakes not in use. No agriculture takes place
- Existing building is adequate for storage of materials
- New structure is out of context with the Green Belt status and cannot be justified as leisure use. Application 08/P/1568/F refused and dismissed at appeal
- Doors should face field to minimise noise

Officer comment

Some objections refer to other activities/structures on the site and whether they breach planning control. Two enforcement notices were served in 2011 but full compliance has not been secured to date. The current application gives another means to remedy the breaches.

Portbury Parish Council: Objection – see Appendix 1 for full comments.

Principal Planning Issues

The principle planning issues in this case are (1) the principle of the development in relation to Green Belt, (2) issues relating to the need and use of the fishing lake, (3) character and appearance issues, (4) impact on safeguarded rail alignment, (5) ecology,

(6) flood risk and drainage, (7) impact on living conditions of neighbours, (8) parking issues, and (9) setting of listed buildings.

Issue 1: The principle of development in relation to Green Belt policy

The site is located outside of any established settlement boundary and is therefore within the open countryside and falls within the Green Belt.

Policy DM12 of the Sites and Policies Plan Part 1 outlines that inappropriate development within the Green Belt would not normally be permitted. However, facilities for outdoor sports and recreation are not inappropriate development provided they are:

- Directly related and subsidiary to the main outdoor use;
- Of a scale and size proportionate to the sporting or recreational use;
- Sensitively designed and located to reflect the character of the area and minimise any harm to the openness and purposes of the Green Belt; and
- Where outdoor lighting is proposed, a lighting scheme should be adopted which minimises obtrusive light, in terms of sky glow, glare and light trespass

In this case, the proposed barn would be located on the existing hardstanding and would replace an existing smaller building where there would be a minor extension to the existing hardstanding to provide sufficient parking spaces. Concern has been raised over the use of the fishing lake and whether a barn of this scale is required for a fishing lake that is not actively in use. In this respect, a detailed list of equipment and machinery proposed to be stored inside the barn has been provided and all other existing sheds, containers and van/lorry beds located around the application site would be removed. In order to demonstrate that all the machinery and equipment to be stored within the proposed barn are required to maintain the fishing lake, details of the fishing lake operations and memberships have been provided and are discussed in detail below,

While the proposed barn is larger than the existing building, it would replace the existing building and other structures within the site and would result in all the machinery and equipment being stored within one barn, reducing harm to the openness of the Green Belt.

The proposed development is therefore not considered to constitute inappropriate development and would not result in an unacceptable impact on the openness of the Green Belt. The principle of the proposed development is therefore in accordance with Policies CS6 of the core Strategy and Policy DM12 of the Sites and Policies Plan Part 1.

Issue 2: Issues relating to the need and use of the fishing lake

The use of the fishing lake was approved in 2007 (application ref: 06/P/2153/F). An application (ref 08/P/1568/F) for the variation of condition 3 of the 2007 permission to allow for alterations to the hours of operation was refused by the Council but subsequently allowed at appeal in 2009.

The fishing lake has been in operation since the use was approved but there has been a proliferation of containers, sheds and van/lorry bodies across the application site. In 2011 Enforcement Notices were served. Compliance has not been secured to date and this application provides another means of achieving this.

The current planning application includes a Supporting Statement outlining the need for the storage barn as well as a detailed list of equipment required to be stored within the barn which includes a tractor, forklift, ride-on lawnmower, trailer, boats, excavator, quad bike, hay store, tractor accessories, and fishery equipment. The statement details what the machines and equipment are required for in maintaining the fishing lake.

In addition to the above, the applicant has provided details on the operation of the fishing lake where it has been confirmed that the fishery is rented on a yearly basis by a company in Bristol that benefits from existing customers and employees as the applicants had found it hard to manage the fishery with members and day tickets. Fly tipping and theft have also been issues. The management company renting the fishing lakes has approximately 15 employees and over 100 account holders. The fishery is managed by both the applicant and the company renting the fishery in order to keep control of the number of people using the fishery at any one time so that it does not cause any adverse impact on neighbouring residents.

Overall, it is therefore considered that while the fishing lake is not open to public on a daily basis, sufficient details of the operation of the fishing lake has been provided to demonstrate that the lake is still in use albeit on a smaller scale than before. Moreover, it is considered that the detailed list of equipment required to be located within the proposed barn is reasonably necessary to maintain the fishing lake and is therefore sufficient justification for the need of the storage barn.

Issue 3: Character and appearance issues

The application site is set at a slightly lower land level than Sheepway and is screened from the road by the hedgerow along the east site boundary. The application site falls within Landscape Character Area A2: Clapton Moor of the North Somerset Council Landscape Character Area SPD. It is characterised by predominately pastoral landscapes with a variety of field boundaries defining medium-large geometric and irregular fields and seeks to conserve the rural, pastoral character of the area and encourage the sensitive use of materials and quality design.

The barn is proposed to be located on the existing hardstanding where the proposed development includes a minor extension to the existing gravel hardstanding to the south in order to provide 14 car parking spaces on site.

The proposed barn has been amended to be finished in larch boarding and a corrugated mineral fibre cement roof. The pitch of the roof has been reduced in-order to limit the visual impact of the barn and to ensure that it would appear in keeping with the character of the area. It is proposed to have two roller shutter doors as well as an open access to serve the proposed hay store on the southwest elevation, with a timber door proposed to be located on the northeast elevation.

Concern has been raised over the proposed barn being out of keeping with the rural area as a result of its large scale, location and design. However, although the proposed barn is substantially larger than the existing building, it is considered that the amended development would be rural in design, thereby appearing in keeping with the surroundings. Furthermore, given that the proposed development would see the removal of existing structures on the site and that all the equipment and machinery required to maintain the fishing lake would be located within the proposed barn, it is considered that the proposed

development would enhance the overall appearance of the site. Moreover, given that the proposed development would not result in the loss of the hedgerow boundary to the east of the application site, it is considered that the proposed barn and minor extension to the hardstanding would not be visually intrusive from the road and would therefore retain the pastoral character of the area.

It is therefore considered that the proposed development complies with policies CS12 and CS33 of the Core Strategy, policies DM12 and DM32 of the North Somerset Sites and Policies Plan Part 1 and with the advice in the Landscape Character Assessment Area SPD.

Issue 4: Impact on safeguarded rail alignment.

A disused railway line is located along the southern boundary of the application site. Policy CS10 of the Core Strategy outlines that development proposals that encourage an improvement and integrated transport network will be encouraged and supported. Moreover, Policy CS10 highlights the reopening of the Portishead to Bristol line for passenger service, or its use for bus rapid transit, forms part of the West of England major transport schemes programme set out in the Joint Local Transport Plan published in March 2011.

Policy DM22 of the Sites and Policies Plan Part 1 requires a corridor extending 10 metres either side the railway land boundary fence to be safeguarded. The Portishead-Pill alignment is specifically identified and the policy states that development will only be permitted if it would not prejudice the use for rail traffic.

The propose storage barn would be located approximately 58m away from the proposed line and falls outside of the land safeguarded for the Portishead-Pill alignment as identified in Policy DM22 and is therefore unlikely to impact any future application for the MetroWest scheme.

Issue 5: Ecology

The application site is located within Zone C of the North Somerset and Mendip Special Area of Conservation (SAC). An ecological report has been carried out which concludes that there is negligible potential to adversely impact protected species. The hedgerow boundary to the east of the application site, however, does represent good bat foraging area and commuting habitat and as such it is recommended that no external artificial lighting is erected on site. It is also recommended that one bat and one bird box is provided within the application site in order to enhance the ecological value of the site.

If the application is approved, conditions are considered acceptable in order to ensure that works and enhancement measures are carried out in accordance with the submitted Ecological Report. Subject to this, the proposed development complies with policy CS4 of the North Somerset Core Strategy and Policy DM8 of the Sites and Policies Plan Part 1.

Issue 6: Flood risk and drainage

The application site is located in Flood Zone 1 and forms part of a floodplain at the lower land levels of the site. While the proposed development would extend the hardstanding to the south, it is considered that this is unlikely to increase the risk of flooding on site or to

neighbouring properties due to the minor scale and permeability of the proposed gravel finish. In addition, while concern has been raised over rainwater runoff from the roof of the barn, given that the barn would be located on an existing gravelled hardstanding and there would be no significant loss of soft landscaping, this is not likely to lead to an unacceptable increase in flood risk.

It is considered therefore that the proposed development is unlikely to have an unacceptable impact on the flood risk of the surrounding area and is therefore in accordance with policy CS3 of the North Somerset Core Strategy, policy DM1 of the Sites and Policies Plan (Part 1) and section 14 of the NPPF.

Issue 7: Impact on living conditions of neighbours

The proposed storage barn has been amended to be smaller in scale and would be located on the existing hardstanding, replacing a small storage building. It is noted that a neighbouring resident has requested for the doors to face towards the field in order to limit noise from the proposed barn. In this respect, the amended plans demonstrate that the large doors of the proposed barn would be located on southwest elevation away from any neighbouring properties and is therefore unlikely to result in any unacceptable noise impacts on neighbouring residents. Moreover, if the application is approved, a condition would ensure that the storage barn is used only during the approved hours of operation for the fishing lake and in connection with the use of the fishing lake only in order to limit any adverse impacts on the living conditions of neighbouring resident.

The proposed development therefore complies with the criteria relating to living conditions in Policy DM32 of the North Somerset Replacement Local Plan, advice in RDG1 and Policy CS3 of the Core Strategy

Issue 8: Parking issues

The proposed storage barn would result in the loss of parking spaces approved under planning application 06/P/2153/F. The proposed development has therefore been amended to include an extension to the existing hardstanding in order to ensure that 14 car parking spaces can be provided. While concern has been raised over the proposed 14 car parking spaces, it is considered that the provision of these parking spaces on-site is in accordance with the approved use of the fishing lake and is therefore acceptable. If the application were to be approved, a condition is considered acceptable in order to secure the provision and retention of these parking spaces to be used in connection with the fishing lake.

On-site parking provision and complies with the standards set out in the North Somerset Parking Standards SPD. The proposal is therefore in accordance with policies DM24, DM28 and DM38 of the Sites and Policies Plan (Part 1).

Issue 9: Setting of Listed Building

The proposal falls within the setting of Elm Tree Farmhouse, a Grade II Listed Building. The proposal is not considered to have an adverse impact on the setting of this Listed Building because the proposed barn has been amended to appear rural in character and is located behind the hedgerow along Sheepway which would screen the proposed barn from the Listed Building. The proposal is therefore in accordance with policy CS5 of the

Core Strategy, policy DM4 of the Sites and Policies Plan (Part 1), section 16 of the NPPF and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

The proposed development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. A formal EIA screening opinion is not, therefore, required.

The Crime and Disorder Act 1998

The proposed development will not have a material detrimental impact upon crime and disorder.

Conclusion

The site is located within the open countryside and within the Green Belt where development relating to outdoor sports and recreation does not constitute inappropriate development where it is directly related and subsidiary to the main outdoor use. The development has provided sufficient justification for the need and use of the proposed development, demonstrating a direct relationship between the use of the fishing lake and the maintenance of the lakes. The proposed development is therefore considered acceptable in principle and is in accordance with policy CD33 of the Core Strategy and policy DM12 of the Site and Policies Plan Part 1.

The proposed development would see the removal of various structures around the application site that are currently subject to enforcement action (ref: 17/00074/BDN) and would see all machinery and equipment stored within one storage barn thereby enhancing the existing appearance of the site. In addition, the proposed storage barn has been amended to be more rural in appearance, thereby being sympathetically designed to the surroundings. The amended proposal is therefore in accordance with policy CS33 of the Core Strategy, policies DM12 and DM32 of the North Somerset Sites and Policies Plan Part 1 and with the advice in the Landscape Character Assessment Area SPD.

Although the disused railway line to the south of the application site is identified as land to be safeguarded for the reopening of the Portishead-Pill passenger line or for a rapid transport scheme, the proposed storage barn would be located approximately 58m from the existing boundary of the railway line and as such the barn and extension to the hardstanding is not located within the safeguarded land and would therefore have no adverse impacts of any future applications. The proposal therefore accords with Policy CS10 of the North Somerset Council Core Strategy and Policy DM22 of the Sites and Policies Plan Part 1.

The ecological report has demonstrated that there is negligible potential for protected species to be impacted by the proposed development and includes enhancement measures in order to increase the ecological value of the site, thus complying with policy CS4 of the North Somerset Core Strategy and Policy DM8 of the Sites and Policies Plan Part 1.

It should be noted that if the application is refused, enforcement action will resume in order to ensure that all unauthorised structures are removed.

RECOMMENDATION: APPROVE (for the reasons stated in the report above) subject to the following conditions:-

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Orders revoking and re-enacting those Orders, with or without modification), the storage barn hereby permitted shall only be used to house equipment, machinery and materials for use in the maintenance and operation of the fishing lakes, in accordance with the use of the land falling within Class B8 of the Schedule to the abovementioned Use Classes Order, and for no other purpose.

Reason: The Local Planning Authority wishes to retain control over the use of the premises in the interests of preserving the Green Belt and to prevent undue disturbance to nearby residents and in accordance policies CS3 and CS6 of the North Somerset Core Strategy and in accordance with policies DM12 and DM32 of the North Somerset Sites and Policies Plan (Part 1).

4. No external walls or roofs shall be constructed until details of the walling and roofing materials to be used in the development have first been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in the approved materials unless otherwise agreed in writing.

Reason: To ensure that the materials to be used are acceptable in order to maintain the character and appearance of the building and those of the surrounding area, and in accordance with policy CS12 of the North Somerset Core Strategy and policies DM12 and DM32 of the North Somerset Sites and Policies Plan (Part 1).

5. The storage barn hereby permitted shall not be occupied until a

properly consolidated and surfaced parking area for 14 vehicles has been constructed in accordance with the approved plans and specifications. The approved parking area shall thereafter be permanently retained and kept available for parking in connection with the use of the fishing lake at all times.

Reason: In order to ensure that adequate parking provision is made in the interests of preserving highway safety and in accordance with policies CS10 and CS11 of the North Somerset Core Strategy, policies DM24 and DM28 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Parking Standards SPD.

6. The development shall not take place except in strict accordance with the measures outlined in paragraphs 1.16, 1.17, 1.18 and 1.19 of the Bat and Bird Assessment undertaken by Burrows Ecological dated 4 October 2019. If amendments to the methodology are required, details of the changes must be submitted in writing and agreed by the Local Planning Authority before relevant works proceed. The development shall then be implemented in accordance with the agreed changes.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), The Natural Environment and Rural Communities (NERC) Act 2006, policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

Advice about discharging conditions relating to ecological mitigation can be found at:

www.n-somerset.gov.uk/batroostconditions

www.n-somerset.gov.uk/birdboxconditions

www.n-somerset.gov.uk/ecologyconditions

7. No external lighting shall be installed until details, including:

- (i) details of the type and location of the proposed lighting;
- (ii) existing lux levels affecting the site;
- (iii) the proposed lux levels; and
- (iv) lighting contour plans,

have been submitted to and approved in writing by the Local Planning Authority. Any external lighting shall be installed and operated in accordance with the approved details.

Reason: To reduce the potential for light pollution in accordance with Policy CS3 of the North Somerset Core Strategy and to protect bat habitat in accordance with the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended), policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

8. Trees, hedges and plants shown in the landscaping scheme (drg. no. AL1-2 rev C) to be retained or planted which, during the development

works or a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may specify.

Reason: To ensure as far as possible that the landscaping scheme is fully effective and in accordance with policies CS4, CS5 and CS9 of the North Somerset Core Strategy, policies DM8, DM9, DM10, DM12 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Biodiversity and Trees SPD.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order revoking and re-enacting that Order, with or without modification), no extensions to the storage barn hereby permitted shall be carried out without the permission, in writing, of the Local Planning Authority.

Reason: The Local Planning Authority wish to retain control over extensions in order to maintain the integrity and appearance of this development and the openness of the Green Belt, and in accordance with policies DM12 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and policies CS6 and CS12 of the North Somerset Core Strategy.

10. Within 4 weeks of the first use of the storage barn hereby permitted, all the existing sheds as shown on drg. no. A11-2 rev C and all other containers and van/lorry bodies located on the land edged in red and blue on the location plan drg. no. AL1-1 shall be removed and the land restored to its former condition.

Reason: In the interests of the visual appearance of the area and in accordance with policies CS6 and CS12 of the North Somerset Core Strategy and policies DM12 and DM32 of the North Somerset Sites and Policies Plan (Part 1).

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), no van/lorry bodies, no garage, shed or other structure or containers shall be erected or placed within the land edged in red and blue as shown on drg. no. AL1-1 (other than any expressly authorised by this permission).

Reason: The Local Planning Authority wish to retain control over additional structures in order to maintain the integrity and appearance of this development and the openness of the Green Belt, and in accordance with policies DM12 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and policies CS6 and CS12 of the North Somerset Core Strategy.

APPENDIX 1



PORTBURY PARISH COUNCIL

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North Somerset Council
Planning & Development Management
FAO Ms J Smith
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3rd July 2019

Planning Application – 19/P/1030/FUL

Dear Ms Smith

We have considered the above planning application at our recent Parish Council meeting and wish to register our objection to the proposal to erect a storage barn on this land.

Paddock Lakes was given approval under a change of use application in 2006, 06/P/2153/F. After a subsequent re-application in 2008, 08/P/1568/F, the conditions on opening hours were removed. The approval given for this site is quite clear as being for leisure and recreational use a fishing lake. There was a detailed landscaping proposal for the lakes which showed a mess room and toilet, with no indication of the need for additional storage. Many of the conditions associated with the extant approval have not been implemented and none of the permanent facilities have been created that are necessary to allow anglers to fish there.

It is apparent that the fishing business is now defunct. There has been no effort to advertise the facility for quite some time, an internet search of the Bristol area does not give any reference to the site. The gates are locked despite the coarse fishing closed season having ended on the 15th of June, see attached photograph taken recently. We understand that there are a small number of "members" of the applicant's fishing club, but local residents have seen no fishing activity there for over 2 years. The proposed barn cannot therefore be considered as supporting "maintenance and operation of the fishing lakes", as the title of the current application suggests. There is no information in the planning application as to the long term intentions for Paddock Lakes, but we do know from our own site inspections that there have been numerous vehicles parked on site, which have nothing to do with a fishing business, and this has been the subject of comment by us and enforcement over a long period. There are still many cars parked there as of today.

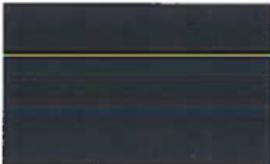
The planning use designation for the land was established in the existing approval for the land, ie for leisure and recreational use as a fishing lake. It is hard to see how so much machinery would be need for such a facility; the proposed barn measures 15metres by 10metres. We would have expected that facilities for anglers would be built first in order to attract customers to the site. There has been no agricultural activity since change of use was granted and so it follows that no justification exists for a barn of this proportion on this land, although we note that there is one tractor on site.

We would also like to point out that the site plan of the proposed barn indicates that the small pond to the south and east of the site is to be filled in with spoil that exists to the north. No proposal is evident to relocate the pond nor to deal with the inevitable water flow to this location. Note that Sheepway drains from the North to the South at this point. There is also a land drain that crosses under Sheepway near to the existing shed onto the applicant's land, but the entry point has been allowed to collapse and is no longer passing water, creating flooding problems elsewhere. We note also that the drainage ditch to the west of the main pond is not being maintained, as reported by a recent visit from a representative of the Internal Drainage Board. The bund created by excavating the main lake, and lying to the south of the site, has not been removed despite undertakings being given. This will cause further problems over time.

These latter comments we make are to emphasise that the fishing lake land is not being husbanded in an appropriate manner, supporting our assertion that the business is in fact defunct. Great effort is however going into the development of hard standing for cars which should not be there.

We support the applicant if he wishes to develop Paddock Lakes as was intended in his initial application. We do not support the erection of this storage barn as it is patently not for support of this original enterprise. The land is designated for leisure and recreational use, but there is no evidence at all of this use occurring. We suggest that the applicant produces evidence that the lakes are operational. Scrutiny of his membership list, with due regard to data protection legislation, would verify the claim that the lakes are still in use.

Yours faithfully

A large black rectangular redaction box covering the signature area.

Mike Phipps
Chairman, Portbury Parish Council.



Paddock Lakes entrance – photo taken on the 25th of June 2019.



PORTBURY PARISH COUNCIL

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North Somerset Council
Planning & Development Management
FAO Ms J Smith
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28th October 2019

Planning Application – 19/P/1030/FUL

Dear Ms Smith

Further to our previous letters to North Somerset Council dated the 3rd of July and the 28th of October 2019, we would like to make further comment and objection to the above application at Paddock Lakes, Sheepway.

The proposed storage barn would be within the Green Belt. No special circumstances have been described in any of the application documents that would justify such a development. We would refer you to a previous, relevant application for a large storage barn in our Parish, 15/P/1155/PRE, land north-east of Caswell Cross Cottages. This application sought also to erect a large storage barn in the Green Belt, without proven agricultural use nor any supporting special circumstances. Following an indication that the proposal was likely to be refused the application was withdrawn. A copy of the pre-application report is appended with this letter and clearly states that the building would have been unacceptable. A later application, 16/P/2898/E, for a smaller stable building on the same site was approved with conditions. The location of this site is directly comparable with that proposed at Paddock Lakes, being on a parcel of land in the Green Belt adjacent to a small number of private residences. Portbury Parish Council takes the same view of the current application for Paddock Lakes as it did for the land at Caswell Cross, namely that the building cannot be justified.

Notwithstanding the above, Portbury Parish Council have studied the further submissions by the applicant justifying the need for a storage barn. We observe that there is a large inventory of plant that is recorded as needing to be housed. The quantity of plant listed is in excess of what could be reasonably expected as necessary to support a small fishing lake operation on a small parcel of land. We thus question the validity of this data in justifying the size of building proposed. If the equipment was solely used in support of the fishing business, a much smaller storage barn would be needed. We have always supported the principle of use of the land as a fishing lake, and we could support a smaller storage barn of a scale in accordance with the original approved proposal for a fishing

lake, [06/P/2153/F](#). Note that a later application, [10/P/1386/PDA](#), seeking prior development approval for a large storage barn was refused on the grounds that an agricultural need had not been proven.

We would like to repeat our previous contention that this fishing business has not been proven to be still active. The gates remain securely locked and there has been no obvious fishing activity for a number of years. The applicant contends that the lakes are now operated on a "corporate" basis, but no evidence has yet been provided of either the name of the corporate entity running the lakes nor of the membership roll of such an organisation.

In summary, Portbury Parish Council objects to the proposal to erect an inappropriately large storage barn in the Green Belt at Paddock Lakes. The scale and siting of such a building would be harmful to the landscape. No special circumstances have been submitted to justify such a large building and we believe that the business it is supposed to support is defunct. We are aware that there have been a very large number of objections from local residents to the storage barn, which gives an indication of the sensitivity of the proposal as it stands.

We continue to support the fishing lake business if it is viable and could support a reasonably sized building in a location on the site that would be less obtrusive, e.g. near to the railway boundary. We would request that a site meeting of Officers and Planning Committee Members is arranged so that the site can be examined at first hand and its full history put into physical context, including the background to the current enforcement notices that have been issued.

Yours faithfully

Mike Phipps
Chairman, Portbury Parish Council.