

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
A. and S. Brittain 'A'	Formation of 1 No. fishing lake, Forest School and car park - Land at Burcot Lane, Bromsgrove, B60 1PH	GB	10/1098-DK 21.03.2011

RECOMMENDATION: that permission be **REFUSED**.

Consultations

- WH Consulted 30.12.2010. Response received: 11.01.2011.
No objection subject to the following conditions:
HC5 (Visibility Splays)
HC8 Vehicle access construction
HC25 Access, turning and parking
HC30 Disabled Parking Need
HC38 - MODIFIED Turning/parking COU commercial No spaces
HC40 - MODIFIED Highway improvements / offsite works
HC51 Parking for Site Operatives
and the following informatives:
HN1 Mud on Highway,
HN4 Private Apparatus within the Highway
HN6 Section 278 Agreement
HN12 Protection of Visibility Splays
HN16 Design of Street Lighting for Section 278
- ENG Consulted 30.12.2010. Response received: 04.01.2011.
No objection subject to conditions.
- NE Consulted 30.12.2010. Response received: 13.01.2011.
Objection. There is insufficient information to demonstrate whether or not the proposal would have an adverse impact on legally protected species. The application is not supported by any ecological surveys/information and it is therefore impossible to assess its impacts.
- Additional Comments Received: 19.01.2011.
Following our recent correspondence on this planning application, further concerns regarding the Burcot Lane Cutting Site of Special Scientific Interest (SSSI) have come to our attention.
- The 'Proposed Site Plan' submitted as a part of the application shows the SSSI in the wrong location. The SSSI is in fact located further west, starting in the approximate location of the existing site entrance.
- The construction, removal or destruction of roads and tracks is considered to be an operation likely to damage this SSSI. We recommend securing this point through a suitably worded planning condition. This must be agreed with the Highways Agency prior to granting planning permission, to ensure health and safety considerations do not conflict with the protection of the SSSI.

Burcot Lane is narrow and the large vehicles travelling up and down it could damage the SSSI's rock face through direct contact or vibration.

There needs to be evidence presented to show that site re-profiling will not impact the SSSI, either directly through land take or the modification of the cutting or indirectly through the dumping, spreading, discharge or storage of materials, all of which are operations likely to damage the SSSI. The applicant has submitted an amended scheme (Received 02.02.2011)

NE Re-consulted: 08.02.2011. No response to date.

WWT

Consulted: 17.01.2011. Response received: 17.01.2011.

The photograph presented indicates that the hole could have been made by a badger and an Extended Phase 1 Habitat Survey would be necessary to demonstrate that there would be no harm to protected species from the proposal.

WCC

Consulted: 30.12.2010. Response received 17.01.2011

Countryside
Service

The proposal affects a public right of way as recorded on the Definitive Map. The public right of way is Bromsgrove Footpath 549 (BM-549). No objection to the proposal provided that it does not encroach or result in vehicle movements on the public right of way.

Ramblers
Association

Consulted 30.12.2010. No response to date.

WCC Minerals
and Waste

Consulted 30.12.2010. No response to date.

EDO

Consulted 30.12.2010. No response to date.

EHM
(Contaminated
Land)

Consulted 30.12.2010. No response to date.

Forestry
Commission

Consulted 30.12.2010. Response received: 04.01.2011.
No objection.

STW

Consulted 30.12.2010. No response to date.
No objections subject to conditions relating to the drainage of the site.

Tree Officer
Publicity

Consulted 30.12.2010. No response to date.
Site Notice posted: 13.01.2011. Expires 03.02.2011.

Press Notice posted 13.01.2011. Expires 03.02.2011.

Scheme amended additional publicity conducted.

Site Notice posted 10.02.2011. Expires 03.03.2011.

Press Notice 17.02.2011. Expires 10.03.2011.

No responses to date.

The site and its surroundings

The application site is a large open field in the Green Belt to the east of the A38 and south of Old Burcot Lane and extends to 9Ha in area. The land is currently in arable use with a central drainage ditch and a number of existing ponds. The topography is varied and generally higher on the Old Burcot Lane side. There is a well used public footpath running along this northern boundary. The land slopes steeply on the southern side of the site leaving it with a central valley. The site is immediately adjacent to Burcot Lane Cutting Site of Special Scientific Interest (SSSI), which is designated for its geological interest.

Proposal

The proposal is the formation of 1 No. fishing lake, a Forest School and Car Park. The proposed fishing lake would be located in the SW corner of the site and comprise 31 fishing pegs. The Forest School is proposed in a newly planted area of woodland in the western and central part of the site. There is provision for 40 car parking spaces on the site, a coach turning area, a lay by for two coaches, a portable eco toilet and access from Old Burcot Lane. The application is accompanied by a Transport Statement.

Relevant Policies

WMSS	PA14
WCSP	CTC.1, CTC7, CTC11, CTC.14, SD2, D38, D39
BDLP	DS2, C17, C11, C20, RAT2, RAT22, ES1, ES14, ES16
DCS2	CP3, CP14, CP17, CP19
Others	PPG2, PPG13, PPS11, PPS9

Relevant Planning History

B/2009/0990	Formation of 2 No. fishing lakes, forest school, car park, toilets and corn barn. Withdrawn 26.03.2010.
B/1995/0037	Change of use from fruit farm to golf course and fruit farm. Extension to existing buildings to form clubhouse and ancillary buildings and provision of car parking (As amended by plans received 11.05.1995). Refused 06.06.1995.

Notes

A Forest School is an innovative educational approach to outdoor play and learning. The philosophy of Forest Schools is to encourage and inspire individuals of any age through positive outdoor experiences. The outdoor recreation usually takes place in a cleared area of woodland and involves a range of tasks and activities such as hide and seek, shelter building, tool skills, lighting fires or environmental art.

The site is located in the Green Belt. I consider the main issues in the determination of this application are:

- (i) whether the proposal represents appropriate development in the Green Belt; and if not
- (ii) whether very special circumstances exist that clearly outweigh the harm caused to the Green Belt, the purposes of Green Belt policy and any other harm;
- (iii) Impact of the proposal on the SSSI;
- (iv) highway safety;
- (v) impact on the rural character and amenity of the site.

The main policies against which the proposal should be assessed are therefore policies CTC.1, and D.39 of the WCSP; and policies DS2, RAT2 and ES16 of the BDLP. The advice contained within PPG2 and PPS9 is also relevant.

(i) Green Belt

As the proposal is development in the Green Belt, it must be considered whether the proposal is appropriate or inappropriate. The fishing lake and forest school which comprises a proposed area of forestry would amount to appropriate development in the Green Belt. Members should note that policy RAT11 (d) supports the provision of informal recreation facilities at a number of locations in the District but this does not include the application site.

It is noted that the car park, turning area and access amount to inappropriate development. The proposal must be considered in its totality.

The development does not directly fall into any of the exceptions of policy DS2. The concept of a Forest School is outlined above and this sort of recreational facility would be welcome. However, the ancillary development in terms of car parking and servicing is not appropriate in the Green Belt. At present, the lands are entirely in arable agricultural use without woodland and the concept of a Forest School appears to depend on at least some existing woodland. Members must carefully weigh up the harm caused, by reason of inappropriateness arising from the development with the benefits in terms of recreation for young people.

There is an absence of services on the site (with the exception of the eco toilet). Members of the public may come to expect a minimum provision in terms of refreshments, etc. This may lead to a requirement for additional development on the site.

The proposal involves the building of a lake 80m long and 30m wide in the SW corner of the application site. The application drawings show a transect running on a N/S axis through the site. There are changes in the levels of the land proposed of approximately 3m depth along a section 60m in length. This amounts to an engineering operation and falls to be assessed under policy ES16 of the BDLP.

Members must consider that relative benefits and disbenefits of the proposal taking the following criteria into account:

- (i) the number of vehicle movements;
- (ii) the quantity and type of the proposed infill material;
- (iii) the effect on the landscape;

- (iv) the impact on the amenities of local residents;
- (v) regard for general safety.

The proposal may involve the movement of material onto the site and additional information in this respect has been requested from the applicant. The Transport Statement provided makes no reference to this and only considers access by the schools and other users of the recreational facility. The precise levels changes need to be confirmed with the applicant but taking all of the development into account, there would be a reduction in the openness and visual amenity of the site and this amounts to inappropriate development.

(ii) Very Special Circumstances

In considering proposals for inappropriate development in the Green Belt, paragraph 3.2 of PPG2 is relevant.

"Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development."

Members are aware that establishing very special circumstances involves a balancing exercise. On the one side is the extent of the harm to the Green Belt by virtue of inappropriateness and this must be weighed up against the positive advantages of the proposal. Very special circumstances exist where the advantages outweigh the harm. A key deficiency in this application is the absence of an established woodland to facilitate the recreation use in the short to medium term.

In terms of policies RAT2 and DS16, the benefits of the proposal are unclear and without substantial positive benefits, the harm caused to the openness and visual amenity of the Green Belt are not outweighed. The applicant has been invited to present a case for very special circumstances and Members will be updated on this matter.

(iii) Impact of the proposal on the SSSI

Policy RAT2 requires protection of ecological, environmental and archaeological interests. This site is adjoining Burcot Lane Cutting Site of Special Scientific Interest (SSSI) and is geologically sensitive. Members should note that Natural England have objected to the proposal. The application is not supported by a detailed ecological survey so its impact cannot be assessed at present. Natural England also raised additional concerns about the impact of the proposal on the geology of the site and arising from large vehicles travelling up and down Burcot Lane potentially damaging the SSSI's rock face.

The applicant has presented an amended scheme (received 02.02.2011) to address these concerns including a reduction of the number of lakes from two to one and the creation of an exclusion zone in the central section and northern boundary of the site.

Natural England have been re-consulted on the amended plans and Members will be updated on their views.

(iv) Highways

The application is accompanied by a Transport Statement to address the concerns raised by WH in terms of safe access and egress from the site. The likely trip generation of the proposal was also examined against the junction capacity of the A38 and Old Burcot Lane. The Statement addresses the issues of visibility, remodeling of the access from Burcot Lane at the entrance and a right turning lane off the A38 onto Old Burcot Lane. These are outlined in Appendices 2 and 3 of the Transport Statement. There is no objection from WH subject to conditions, one of which includes the installation of a right turning lane in the northerly direction of the A38.

(v) Character and Amenity

The site is currently a large open field with a central valley. There would be a negative urbanizing effect arising from the provision of car parking for 40 vehicles, a coach lay by and turning head. Members should note the scale of the proposal with an access road 220m in length along the southern boundary and the parking area is 50m x 20m. The car park would be visible from the A38. The only residential property in the vicinity is White House Farm but this is in an enclosed position and a considerable distance away from the proposal. There is a well used public footpath on the northern boundary with a panoramic view of the entire site. The comments of the WCC Footpaths Officer are noted and whilst the proposal will not interfere with the footpath, the access to the footpath for pedestrians from Bromsgrove utilizes a section of Burcot Lane and the additional traffic will conflict with this.

Other issues

The applicant has confirmed that it is unlikely that material will be imported. There have been additional requests for information from the Drainage Engineer and the Environment Agency have been notified of the application. The application amounts to operational development larger than one hectare and a Flood Risk Assessment is required and has been requested from the applicant. It is noted that application B/1995/0037 was refused on the basis of the irreversible loss of the best and most versatile agricultural land. This land is considered to be the best and most versatile farmland (within Grades 1, 2 and 3a). Paragraph 28 of PPS7 states that the presence of such land should be taken into account by Local Planning Authorities when determining planning applications. Where significant development of agricultural land is unavoidable, Local Planning Authorities should seek to use areas of poorer quality land (grades 3b, 4 and 5) in preference to that of a higher quality, except where this would be inconsistent with other sustainability considerations (paragraph 28). The proposal would result in the loss of the best and most versatile agricultural land to a vague recreational use contrary to policy CTC.7 of the WCSP.

Conclusion

Whilst the principle behind the application is supported, there are a number of deficiencies in the scheme, notably the lack of woodland. The proposed access, parking and general urbanization of the site are not appropriate in the Green Belt. There are

significant ecological issues because of the location of the site adjoining a SSSI. The proposal would result in the loss of the best and most versatile agricultural land.

RECOMMENDATION that planning permission be **REFUSED** for the following reasons:

1. The proposal amounts to inappropriate development in the Green Belt and would cause significant harm to the openness and visual amenities of the Green Belt in this location. No very special circumstances have been put forward or exist that clearly outweigh the harm caused and therefore the proposal is contrary to policies SD.2, D.28, D.38, and D.39 of the Worcestershire County Structure Plan and policies DS2 and DS13 of the Bromsgrove District Local Plan and the provisions of PPG2 (Green Belts).
2. The proposal would not respect the character and amenity of the site contrary to policies DS13 and ES16 of the Bromsgrove District Local Plan 2004.
3. There is insufficient information to demonstrate that the proposal would not have a detrimental impact on the ecological and geological resources of importance in the adjoining Site of Special Scientific Interest (SSSI). As such the proposal is contrary to policy CTC.11 of the Worcestershire County Structure Plan, policy C11 of the Bromsgrove District Local Plan 2004 and the advice of PPS9 and Circular 06/2005.
4. The proposal would result in the loss of the best and most versatile agricultural land contrary to policy CTC.7 of the Worcestershire County Structure Plan 2001 and the advice of PPS7 (Sustainable Development in Rural Areas).