

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. K. Chahal 'A'	Construction of a wildlife pond and alteration of levels - Wadderton Conference Centre, 37 Greenhill, Burcot, Bromsgrove, B60 1BL	GB	10/0488-DK 04.11.2010

RECOMMENDATION: that permission be **REFUSED**.

Consultations

WH Consulted 17.08.2010. Recommends that the permission be **deferred** for the following reasons:-

The applicant should submit details indicated the volume of cut and fill and indicate the size of vehicles proposed to be used, their capacity and the number of vehicle movements to complete the construction project.

There appears to be a significant volume of earthworks required to implement this application and in order to assess if the highway is capable of managing these movements during construction additional information is required.

Lickey and
Blackwell
Parish Council

Consulted 17.08.2010
No response to date.

Drainage
Engineer

Consulted 17.08.2010 Response received 24.08.2010.
The following points need clarification:

1. Whether the method of construction is purely 'cut and fill' or is material being brought in. The nature of the backfill needs to be qualified.
2. Confirm source of water for the pond.
3. Details of overflow structure/weir
4. Outfall to soakaway is adjacent to neighbouring land. A linear soakaway needs to be constructed.

WWT
EHO

Consulted 17.08.2010. No response to date.
Response received: 07.09.2010. The Environment Agency should be consulted given the nature of the application due to the proposals to carry out filling operations and raise ground levels - such an activity may require regulation under waster management legislation.

WCC (Minerals
and Waste)

Consulted 17.08.2010. No response to date.

EDO

Consulted 17.08.2010. No response to date.

EA

Consulted 17.09.2010. No response to date.

Tree Officer

Consulted 17.08.2010. No response to date.

Publicity

2 letters sent 17.08.2010. Expired 07.09.2010.
Press Notice posted 26.08.2010. Expired 16.09.2010.
Site Notice posted 08.09.2010. Expired 29.09.2010.

8 comments received summarised as follows:

- There is no apparent purpose for the proposed pond
- The Wadderton Centre is empty and has become increasingly derelict, the motives for the application are suspicious
- The lorries needed to transport fill material would result in traffic chaos on Green Hill and surrounding lanes
- The character and wildlife of Greenhill must be retained
- The proposal should be rejected and more acceptable uses obtained for the house and grounds.
- The derelict building has been a site for cannabis growing, roof lead and flashings have been removed. The applicant has deliberately let the property go to ruin.
- Land registry details show that the applicant is not the true owner of the site as a means of deceiving planners as to the nature of future proposals
- It is unclear why the owners want a driveway widened and a pond on an empty site
- There is insufficient information regarding the wildlife pond. There are no habitat surveys supporting it and there could be an impact in terms of flooding

The site and its surroundings

The application site comprises lands extending to 2.3ha surrounding the Wadderton Centre, Green Hill, Burcot. The site was previously a Conference Centre occupied by a branch of the Children's Society. There is a narrow entrance with a stone wall each side of it. There are large lime trees at the entrance and leading further along the avenue from it. The inner gate is currently closed and a side gate to the east enables access to a neighbouring field. The existing driveway comprises tarmac with a width of approximately 4m. The existing building is a large, detached, late 19th Century building which has been substantially extended to the rear. The lands which are the subject of this application are bordered to the east by the existing building and avenue and to the immediate west by 'The Uplands'. The area is a large field extending to the back of this property with significant gradients and the large depression in the centre. There are a number of attractive specimen trees on the land.

Proposal

The proposal is for the construction of a wildlife pond to the NW of the existing building and alteration of levels. There is substantial filling proposed in the SW corner of the application site with the level of the land being raised 11m. There is also substantial filling proposed in the NE corner of the site.

Relevant planning history

- B/2009/0762 Alterations to existing access drive to improve visibility (as amended by plans received 8th December 2009). Granted 10.12.2009.
- BU/385/1954 Proposed additions and conversion to conference house. Granted.

Relevant policies

WCSP CTC.1, CTC.14, SD.2, D.38, D.39
BDLP DS2, C17, RAT2, RAT22, ES1, ES14, ES16
Others PPG2, PPG13, PPS11, PPS9

Notes

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 trees.
- (iv) highway safety.
- (v) Implications for residential amenity.

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.

(i) Green Belt

As the proposal is development in the Green Belt, it must be considered whether the proposal is appropriate or inappropriate. The development does not directly fall into any of the exceptions of policy DS2. There is a lack of detail with the application as to the purpose of the pond and filling operations and future use of the site. This point has been raised in the representations received. Members should note that the assessment of the application must be made on the basis of the description of the development, submitted plans and information.

The proposal involves the building of a pond 65m long and 25m wide to the north west of the existing Wadderton Centre. The application drawings show a transect running across the site from the north running through the position of the pond and terminating on the northern boundary of the curtilage of 'Uplands'. There is 2m increase in the levels of the land proposed to the north of the pond which increases to a 12m increase immediately to the south of the pond. This increased level then continues along the transect across the existing basin of the site before gradually sloping downwards to meet the existing level of the land on the southern boundary of the application site.

It is understood that the pond and surrounding land would be used for recreational purposes in association with the Wadderton Centre. In terms of the requirements of policy RAT2 which requires protection of ecological, environmental or archaeological interests, the proposal conflicts. It would have a significant impact on the character of the site, notwithstanding its relatively enclosed position with respect to Green Hill. This loss of character arises from the impact on the trees on the site and the inevitable loss of natural contours. In the absence of a detailed Phase 1 Habitat Survey, the potential ecological harm remains unknown. The benefits of the pond could be outweighed by the ecological, environmental and sustainability disbenefits of the earthworks. Overall, the potential

benefits in respect of recreation are outweighed. 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.

The development involves significant reforming of land and policy ES16 is relevant. 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.

Taking any reasonable approach, the proposal would involve substantial numbers of vehicle movements and additional information in this respect has been requested from the applicant. As discussed above there would be a substantial impact on the local landscape. The benefits of the scheme remain unclear and the site is currently derelict and thereby no existing facility of community benefit would be served. The potential of future uses of the land for recreational purposes in association with the Wadderton Centre can only be accorded limited weight with no apparent benefits arising. It is considered that the considerable increase of the levels of the land would amount to a reduction in openness and visual amenity at the site and 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 will also now be 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 any other factors. On the other side are the positive advantages of the proposal. Very special circumstances exist where the advantages outweigh the harm. 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) Trees

There are a number of attractive trees on the site, both single specimens and clusters especially to the boundaries of the application site and in the centre of it. The application is not accompanied by a Tree Survey and the views of the Tree Officer are awaited.

(iv) Highways

The initial views of Worcestershire Highways have been received on the application and there is concern raised about the significant volume of earthworks required to implement the proposal. Additional information has been requested from the applicant in respect of the volume of material to be imported and the number of lorry movements required. Members will be updated of any additional information and responses on this matter.

(v) Residential Amenity

Members should note the representations received on the application and these exclusively relate to the potential impact of the proposal on the residential amenity of Greenhill. The enclosed layout of the site means that the closest properties (Hillfields Farm, Uplands and No. 39 Greenhill) are either separated from it or are buffered by existing landscaping. The additional movements of vehicles for the imported material would have the greater impact on residential amenity. The application does not contain sufficient information to address any of the concerns of residents and this is a significant planning issue. However, there must be less weight accorded to potential future uses and consideration only of what has been presented with the application.

Other issues

The applicant has confirmed that the imported material would be inert subsoil. 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.

Conclusion

Whilst the development of a wildlife pond for recreational purposes would generally be acceptable in principle, this development also involves a large amount of earthworks amounting to a substantial engineering operation in the Green Belt which is inappropriate development. Furthermore, there are substantial transport and amenity implications arising. There is insufficient information to show that the benefits of the proposal outweigh the harm.

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 or the amenity of local residents contrary to policies DS13 and ES16 of the Bromsgrove District Local Plan 2004.