

## **BRECKLAND COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE - 11<sup>th</sup> August 2008**

### **REPORT OF DEVELOPMENT SERVICES MANAGER**

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### **OXBOROUGH: TWO FISHING LAKES, 1 WILDLIFE POND, CAR PARKING, VEHICULAR ACCESS, PATHS AND LANDSCAPING**

**Reference: 3PL/2008/0722/F**

**Summary** - This report concerns a planning application for 2 fishing lakes, 1 wildlife pond, car parking, vehicular access, footpaths and landscaping at land at Church Farm, Oxborough. It is recommended that planning permission is granted subject to conditions.

## **1 INTRODUCTION**

This report concerns an application for planning permission at land at Church Farm in the village of Oxborough. Full permission is sought for 2 fishing lakes, 1 wildlife pond, car parking for 30 vehicles, vehicular access, paths and landscaping. The application has been amended since the original submission in response to consultees' concerns. The amendments include the reduction of 2 wildlife ponds to 1 and the re-siting of the proposed access in accordance with concerns raised by Norfolk County Council Highways and some suggested improvements recommended by the Norfolk County Council's Landscape Architect.

The application is supported by the following technical reports, a flood risk assessment, design and access statement, ecology reports comprising botanical survey, protected species survey, breeding bird survey and report to the Environment Agency and Specialist Anglers Alliance on the use of fencing to prevent access by otters to fisheries

The application site currently comprises arable set-aside land and the site is located south-east of Church Farm. The total site area comprises 12.5 hectares. The combined surface area of the two lakes is approximately 4.9 acres (2 hectares). The maximum water depth would be 1.8 m and banks will be finished at approximately 1:5 gradients which are required for practical management of the fish stock. 35 fishing pegs are proposed which would be positioned at approximately 15 m centres around the smaller lake and 25 m centres around the larger lake.

The application is a resubmission of an application submitted under planning permission reference 3PL/2007/0684/F which was withdrawn. The resubmitted scheme differs in a number of respects including the following, the widths of both lakes and number of pegs has been reduced, car parking spaces adjacent to River Gadder have been omitted, the scheme no longer proposes raising existing ground levels within the flood zone, tree and hedge

planting is included, lowered areas are proposed to promote wet grassland habitat, wildlife pond added to enhance ecological diversity.

## **2 KEY DECISION**

This is not a key decision.

## **3 COUNCIL PRIORITIES**

The following Council priorities are relevant to this report.

- A safe and healthy environment
- A well planned place to live and work

## **4 CONSULTATIONS**

The East of England Regional Assembly has been consulted and has no comments on the application.

Oxborough Parish Council has raised no objection to the application.

The Highway Authority raised objection owing to concerns regarding restricted visibility in an easterly direction. An amended plan has been received repositioning the proposed access in accordance with highways recommendation

The Environment Agency have raised no objections subject to a condition that no spoil or materials shall be deposited or stored in the floodplain and that there shall be no ground raising within the floodplain as shown on the submitted drawing.

Natural England has raised no objections with respect to legally protected species as not aware that they are likely to be adversely affected by the proposal.

Norfolk County Council's Landscape Architect has raised no objection. No objection but suggests a number of improvements. Some of the suggested improvements have been incorporated into the scheme including a change of surfacing for some of the track and car parking to reinforced grass and the gradient of spoil has changed to 1:20 as suggested.

Norfolk County Council's Ecologist raises no objections to scheme on ecological grounds. Recommends that applicant's ecologists recommendations are followed with respect to protected species. Also recommends retaining and managing the habitats/grass areas around the lakes to increase the biodiversity of the site by creating a variety of habitats as recommended in the botanical survey submitted with the application

Norfolk Wildlife Trust raise no objection subject to a condition including the submission of an ecological management plan to include the remaining areas of marshy grassland and areas of land also within the applicant's ownership. Also recommend a condition requiring a construction method statement to be submitted to and agreed with the local planning authority to protect areas of ecological value during construction and a condition relating to otter fencing.

The Breckland Society recommend refusal on the grounds that the ecological reports accompanying the application are inadequate and that the proposed mitigation does not warrant destruction of an original habitat of this value. Meadow should be considered for County Wildlife status.

Campaign to Protect Rural England refer to Policy ENV6 of the local plan which seeks to protect 'habitats or other features of value for nature conservation or biodiversity' . The site is adjacent to a County Wildlife Site.

The Council's Tree and Countryside Officer recommends that should permission be granted it should be subject to a condition requiring an ecological management plan for the locale.

The Council's Historic Buildings Officer has raised no objection

The Council's Contaminated Land Officer has raised no objections subject to conditions

The Ramblers Society have made no comments at the time of writing report

Norfolk Landscape Archaeology has made no comments at the time of writing report. However, at the time of the earlier application submitted under reference 3PL/2007/0684/F made the following comment *this seems to be identical to application 2004/1703 where archaeological work was carried out and we agreed that no further work was required.*

At the time of writing five letters of objection have been received raising concerns relating to adequacy of surveys undertaken, ecological value of the site, conflict of use as fishing lakes with presence of otters, that the area has the status of a priority Biodiversity Action Plan habitat and should be left undisturbed, impact of use of site on wildlife, a fall in ground level could affect water level in river Gadder, affect on operation of sewerage treatment plant at the Gooderstone side of the proposed lakes and the water level of the moat at Oxborough Hall, proposal would alter unspoilt character and aspect of the meadow and its landscape context, changing the rural setting to an artificial development with a heavy human 'footprint'. If granted, condition should be imposed to restrict vehicular access beyond the proposed car park to limit disturbance. The area is of potentially high archaeological interest which would be severely affected by large scale excavation and spreading of resulting spoil.

## **5 POLICY**

Relevant national planning policies are set out in PPS1 *Delivering Sustainable Development*, PPS7 *Sustainable Development in Rural Areas*, PPS9: *Biodiversity and Geological Conservation*, PPG15 *Planning and the Historic Environment*, PPG21 *Tourism*, PPS25 *Planning Policy Statement 25: Development and Flood Risk*

At a regional level, Policy ENV3: Biodiversity and Earth Heritage of the recently adopted East of England Plan (RSS) states that local planning authorities should ensure that the region's wider biodiversity, earth heritage and natural resources are protected and enriched through the conservation, enhancement, restoration, re-establishment and good management of habitats and species in accordance with East of England regional biodiversity targets

Saved Policy ENV6 of the Breckland District Local Plan 1999 states that the district council through development control and positive action will seek to protect habitats or other features which are of value for nature conservation, biodiversity, particularly where rare species are known to be present

## **6 ASSESSMENT**

The principal issues raised by the application concern (i) the extent to which the proposals would accord with relevant local and national planning policy (ii) the likely visual impact on the character and appearance of the landscape (iii) the need to ensure that biodiversity is protected and enhanced.

### **Policy**

The proposed development is in general conformity with saved local plan and national planning policies. The development is likely to contribute to tourism in the area and represents a contribution to the local economy in the area. The application site currently comprises an arable field with grazing cattle. Through consultation with the Norfolk Wildlife Trust the applicants have agreed that if planning permission is granted it will be subject to the submission of an ecological management plan to be agreed by the local planning authority which would set out those areas to be protected and enhanced and set out proposals for managing these areas. These areas would include land also owned by the applicant outside the application site.

### **Landscape Impact**

The application site is not prominent and there are no buildings proposed. The development essentially comprises hard and soft landscaping elements. The site is well screened from the highway and there are limited public views. The development would have a low-key appearance dominated by meadow and water.

It is proposed that the areas around the lake will be cultivated then left to naturally generate vegetation. The land around the lakes would subsequently be managed as grassland, cut once or twice annually in the interests of providing wildlife habitat and a semi-natural setting to the development. Extensive native hedging has been planted along the tracks in advance of this application. The main car park will be positioned near the existing Church farm buildings, 4 spaces will be provided near the footbridge for disabled users. The access track and car parking areas will be surfaced in part in compacted limestone aggregate which would have the appearance of a farm track. The car parking areas and a small part of the track will be of reinforced grass. Spoil will be removed via the existing field access in the south west

corner of the site and transported a short distance by road to the receptor site which is an area of arable field to the north east of the proposed lakes.

### **Biodiversity**

The application does not trigger the requirement for a full Environmental Impact Assessment. The application has been submitted with ecology reports comprising botanical survey, protected species survey, breeding bird survey and a report to the Environment Agency and Specialist Anglers Alliance on the use of fencing to prevent access by otters to fisheries. Natural England consider that it is unlikely that there will be significant impacts on birds as a result of this proposal, providing the development does not result in disturbance to breeding birds or the loss of habitat that they use during the breeding season and raise no objection to the proposed development in respect of legally protected species.

The Norfolk Wildlife Trust whilst initially raising concerns in terms of the possible status of the land as a priority habitat under the UK's Biodiversity Action Plan (BAP) and that the pasture may be of County Wildlife Site quality subsequently in the light of further discussions with the applicant's agents commented that whilst they would prefer to see the site restored to grazed wet grassland with raised water levels, they accept that they would be unlikely to be able to sustain an objection based on the premise that the site currently falls within the criteria for UK BAP floodplain grazing march, or is of County Wildlife standard. However, elements of the marshy grassland habitat within the site are of similar diversity to habitats that fall within these designations and should be protected and enhanced if the application is approved.

The Environment Agency's previous objections included concern regarding the impact that carp escaping from the lakes into the river Gadder would have on the breeding trout stocks present. The applicants were advised that they would not be granted consent to stock the lakes with non-idigenous species such as carp. The applicant states there are no proposals to introduce alien species to the site.

### **Highways and access**

A new access would be formed onto Swaffham Road. A track would lead to the main car park near the existing farm buildings, from which an existing track would serve the lakes. There is no provision for public transport. The access has been revised moving it closer to the existing access serving Church Farm, in accordance with the recommendation of county highways. County Highways raise no objection subject to conditions

### **Other issues**

The Flood Risk Assessment dated January 2008 is acceptable to the Environment Agency. No ground levels will be raised above existing levels and therefore the development will not interrupt flood flows or affect the flood storage capacity of the site.

The proposed lakes are downstream of Cockley Cley meadows and the applicants contend there is no danger of enriched water from the lakes

affecting Cockley Cley meadows. The site is lower than the adjacent river Gadder and the site falls toward the Oxborough drain, therefore, should the River Gadder ever breach its banks at this location, there will be no danger of enriched water entering the Gadder from the development site.

The fishery will provide a facility open to all anglers on a day ticket basis. The fishery is designed in accordance with English Federation of Disability Sport and British Disabled Angling Association guidelines.

### **Conclusions**

The proposed development would not result in any significant harm to interests of acknowledged importance. The impact on the landscape is considered acceptable and the measures incorporated within the scheme together with conditions relating to the future ecological management of the site and land outside the application site but within the applicant's ownership are considered acceptable to mitigate for impacts of the development.

### **7 RECOMMENDATION**

It is recommended that planning permission is granted subject to conditions to include the submission of an ecological management plan, a construction method statement to ensure that damage does not occur to areas of ecological value during construction, otter fencing, highways related conditions, parking restricted to allocated areas. In addition development should be carried out in accordance with the recommendations of the submitted flood risk assessment and ecology reports and a condition should also be imposed that no spoil or materials shall be deposited or stored in the floodplain nor shall any ground raising be allowed within the floodplain, as shown on the submitted Oxborough Lakes Map 2 drawing.