

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4 August 2010

AUTHOR/S: Executive Director (Operational Services)/
Corporate Manager (Planning and New Communities)

S/0661/10/F - LANDBEACH

Change of Use and Excavation of Land (Agricultural) to Form Fish Stock Pond (Sui Generis) Land to the West of, Enterprise Nurseries, Ely Road for Mr Mark Dwyer

Recommendation: APPROVAL

Date for Determination: 10 August 2010

Notes:

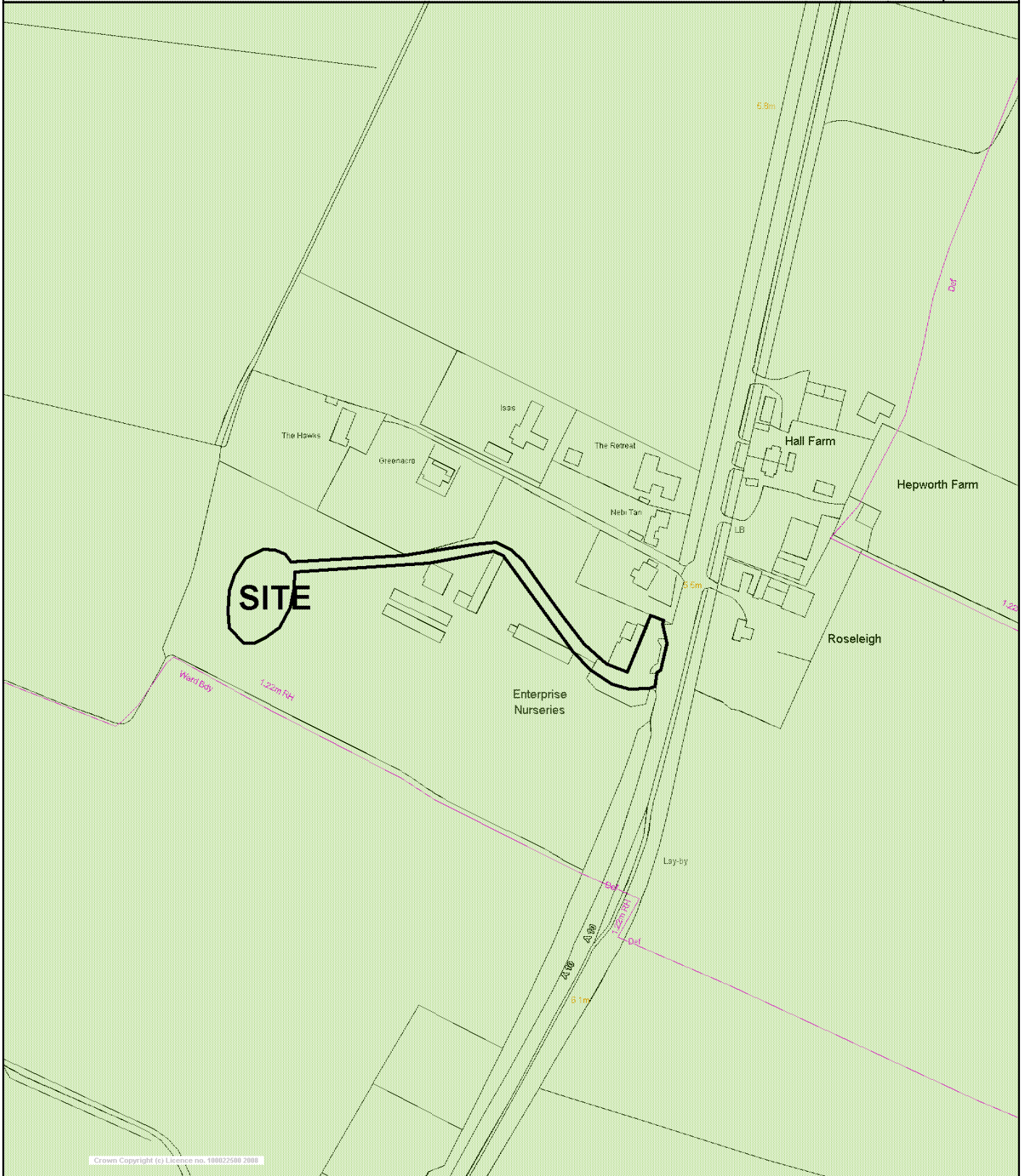
This Application has been reported to the Planning Committee for determination because the recommendation of approval is contrary to that of the Parish Council.

Site and Proposal

1. The application site comprises 0.22ha of agricultural land located within the Cambridgeshire Green Belt and open countryside. The site is part of a former farm and nursery site and contains a dwelling, agricultural buildings and a farm shop. The property is accessed via the Ely Road A10, which is a busy highway. The land is reasonably flat.
2. Proposals comprise the excavation and change of use of agricultural pastureland to form a fish stock pond (Sui Generis). The pond would be located within the western end of the site and would be oval in shape. The pond would measure approximately 3m deep and 48m by 25m wide. It is proposed that the pond would be accessed via an informal track with pedestrian footpath around the basin and additional tree planting around its perimeter. The pond would be used to stock fish species and would not be used for any leisure or recreational uses such as fishing. The fish would be sold to breed in other stock lakes and fishing lakes with no retail sale of fish to the general public taking place on-site.

Planning History

3. Planning Application **S/0985/10/F** for the change of use of barn to agricultural machinery store and replacement building for B1 c Use and formation of one bedroom tourist accommodation unit is currently pending a decision.
4. Planning Application **S/0984/10/F** for the replacement of greenhouse with 3 poly tunnels and excavation and change of use of agricultural land to fish stock pond is currently pending a decision.
5. Planning Application **S/2397/04/F** was refused for the removal of condition 4 of planning application **S/1286/73/F**, which restricted the use of the premises for the sales of green grocery and market produce only.



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August Planning Committee

6. Planning Application **S/1743/04/LDC** was approved for the continuous use as a retail shop.
7. Planning Application **S/1602/95/F** was approved for the removal of an agricultural occupancy condition.
8. Planning Application **S/0065/75/F** was approved for the erection of a dwelling.

Planning Policy

9. *South Cambridgeshire Local Development Framework, Core Strategy, 2007:*
ST/1 Green Belt
10. *South Cambridgeshire Local Development Framework, Development Control Policies* DPD, 2007:
DP/1 Sustainable Development
DP/2 Design of New development
DP/3 Development Criteria
DP/7 Development Frameworks
GB/1 Development in the Green Belt
GB/2 Mitigating the Impact of Development in the Green Belt
NE/6 Biodiversity
NE/11 Flood Risk
11. *South Cambridgeshire LDF Supplementary Planning Documents (SPD):*
Trees and Development Sites – Adopted January 2009
Biodiversity – Adopted July 2009
Landscape in New Developments – Adopted March 2010-05-21

Consultation

12. **Landbeach Parish Council** – Recommends refusal commenting that there is a concern about the removal of spoil and the requirement for archaeological exploration. The planning history shows no evidence of business uses and the site would not be suitable for such uses, especially as the access onto the busy A10 is inappropriate.
13. **Milton Parish Council** (adjacent Parish) – Recommends refusal as the application lacks sufficient detail and there are concerns to what is planned for the whole site. The planning history shows no evidence of business uses and the site would not be suitable for such uses, especially as the access onto the busy A10 is inappropriate.
14. **Local Highway Authority** – Originally Recommended refusal with regards to this application in its present format for the following reason:

The application is not supported by sufficient transport information to demonstrate that the proposed development would not be prejudicial to the satisfactory functioning of the highway. The Highway Authority would request that the applicant appropriately assess the proposal, as the applicant appears to have failed to quantify the vehicle movements associated with the proposal both operational and construction.

The Local Highway Authority has since removed its objection to the proposal based on the additional information provided by the agent (dated the 15th June 2010). This is on the grounds that a condition is attached to any planning permission prohibiting the

retail sale of fish on the site. Such a condition would satisfy the Local Highway Authority that no significant highway implications would result as a consequence of the proposal.

15. **Environmental Agency** - Comment that the site is within the area covered by the Internal Drainage Board in respect of flood risk. However, an ecological survey is required prior to development of detailed plans, to enable an assessment of the level of risk posed by the development.
16. **Old Western Internal Drainage Board** – Raise no objections to the proposal in principle subject to the submission of additional information detailing the source of water, the water level and means of control, the effect upon neighbouring land through seepage and the means of lining to the pond.

Following the submission of additional information by the applicant the IDB state that there should be no site surface water directed to the pond or filling by artificial means.

17. **Cambridge County Council Archaeology** – Request that a condition be attached to any planning permission requiring that the site be subject to an archaeological assessment due to its high archaeological potential.
18. **Ecology** – Raise no objections commenting that the sites existing biodiversity value is limited and an ecological assessment would not be required in order to support this application. The design and treatment of the proposal pond are questioned, as its form is not common of a stock pond. Furthermore, the site will require vehicle access and should the proposal be revised to provide common stock ponds then other ponds could be provided for biodiversity purposes. The use of excavated soil is important and could be used for a wildflower meadow.
19. **Landscape Design** – Raise no objections in principle subject to the submission of additional information detailing:

The pond will need vehicular access as fish will need to be transported from the pond when they are grown (heavy aerated truck mounted tanks) and there will also be a requirement for maintenance (dredging etc). The area lies on chalk where the water table can vary significantly, therefore, details will be needed to show how water will be retained in the pond (e.g. a liner). Details will be needed as to the source of water for maintaining water depths in dry weather (e.g. a borehole). The chalk is fairly shallow here so this could be possible. Details of how the pond will be aerated during hot weather will also be required. If there are to be fish of varying size (say hatched fry up to juveniles ready for sale) or different species the applicant will need additional facilities (perhaps smaller ponds) to house them, or the fish will eat each other. Orchard trees should be positioned away from the pool (particularly south and west sides) due to leaf drop and possible root damage to any liner. Details will be needed to show how the spoil will be utilised on site (likely to contain chalk rock). This could possibly form the basis of a meadow area.

Representations

20. None were received.

Planning Comments – Key Issues

21. The key issues to consider in the determination of this application are the impact that the proposed development would have upon character and openness of the Green

Belt and surrounding countryside, flood risk, biodiversity, archaeology and highway safety.

Principle

22. The proposal would result in the excavation of land to provide a fish stock pond. This pond would be used to breed fish in which to supply ornamental fish and fish for sports and recreation (fishing). As a consequence, the proposed use is not deemed to be agricultural, as it would not be kept for purposes of food. Notwithstanding this, the proposed use is considered to be appropriate for this rural location and adhere with the criteria of Policy DP/7 subject to the adequate measures securing landscape mitigation and biodiversity enhancement.

Highway Safety

23. The revised site plan now indicates a vehicle access to the proposed stock pond. In addition the information submitted in support of the application confirms that it is the applicant's intent to bring the site back into use in line with its agricultural use. Therefore, the proposed pond will not be used for recreational fishing purposes, nor would it be used for the sale of fish to the general public. Instead the pond will be used to supply fish to businesses for recreational or ornamental purposes by contract. This is a similar arrangement to that of the keeping and sale of livestock within an agricultural farm. In light of this it is accepted that the proposal would not result in a significant increase in intensity of the site above that of its existing nursery/agriculture use. Notwithstanding this, the Local Highway Authority has requested that a condition be imposed to ensure that no retail sales of fish take place from the site. The agent has confirmed in writing that the applicant will accept such a condition.

Landscape Character

24. The application provides little detail of hard and soft landscaping and whilst there is no objection to the principle of the pond within this location, it is deemed that further detail will be required in order to preserve the rural open character of the area. As such, a hard and soft landscaping scheme will be sought by condition to ensure that the provision for means of access and landscape mitigation by way of tree planting and biodiversity enhancement are fully detailed, for approval prior to works commencing on-site.

Biodiversity

25. It is acknowledged that in its present form the site provides little biodiversity value, therefore a biodiversity assessment is not required in order to determine this application. However, due to the nature of the proposals, in particular the excavation of soil, it is deemed that a scheme for biodiversity enhancement would be required by condition. In addition to a hard and soft landscaping scheme, it is considered that biodiversity enhancement should be sought, such as the re-use of the spoil following the excavation in order to provide a wild flower meadow area.

Flood Risk

26. The site is located within the Old Western Internal Drainage Board district and the board has no objection in principle to the proposal. Following the submission of additional information the Board accept that the pond levels will be controlled by ground water levels and require that the pond should not be filled by artificial means and that any surface water drainage should not be directed into the pond. The site is

not within a recognised flood risk zone and therefore the Environment Agency has not commented in respect of flood risk.

Other Matters

27. Despite the views of both Landbeach and Milton Parish Council's the proposal is considered to be appropriate development within this rural location. Furthermore the use of a condition to limit retail sales would result in a minimum impact upon the highway network. The Cambridge County Council has requested that prior to development commencing a negative condition requiring archaeological survey will be required in order to ascertain the level of any remains. This is deemed to be a sufficient level of detail in which to secure the preservation of any historical finds.

Conclusion

28. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should be granted in this instance.

Recommendation

29. Approve as amended by additional information and revised site edged red dated stamped 2 July 2010.

Conditions

1. **The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. **The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan as amended 2nd July 2010 and SC01-01/P1.**
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. **No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.**
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
4. **All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or**

replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

5. **No development shall take place until a scheme of ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the features to be enhanced, recreated and managed for species of local importance both in the course of development and in the future. The scheme shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority.**

(Reason - To enhance ecological interests in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)

5. **No development shall take place on the application site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority.**

(Reason - To secure the provision of archaeological excavation and the subsequent recording of the remains in accordance with Policy CH/2 of the adopted Local Development Framework 2007.)

6. **No retail sales other than those permitted under Lawful Development Certificate S/1743/04/LDC shall take place within the site.**

(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

Informatives

1. With respect to **Conditions 3 and 4** above it is advised that you contact the Council's Landscape Design Officer 'David Hamilton' on 01954 713415 when preparing a landscape scheme.
2. With respect to **Condition 5** above it is advised that you contact the Council's Ecology Officer 'Rob Mongovan' on 01954 713402 when preparing a biodiversity scheme.
3. With regard to **Condition 6** above it is advised that you contact the Cambridge County Council Archaeology Department on 01223 728567.
4. The Old Western Internal Drainage Board (OWIDB) state that no surface water should be directed into the pond, hereby permitted and that the ponds levels should not be controlled or filled using artificial means. For further information it is advised that you contact the OWIDB on 01353 688296.

Contact Officer: Mike Jones – Senior Planning Officer
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