

DELEGATED DECISION REPORT

SMD/2021/0327
Valid 12/05/2021

SKY COTTAGE TOP ROAD
BIDDULPH MOOR

FORMATION OF POND
(FULL - MINOR)

MAIN ISSUES

- Whether or not the proposal amounts to inappropriate development in the Green Belt
- The impact on the character, appearance and amenities of the area.
- The impact on flood risk
- The impact on highway safety
- Biodiversity

DESCRIPTION OF SITE

The application site is in the open countryside about half a kilometre to the north-east of Biddulph Moor village and comprises part of a small caravan site on the east side of Top Road and also next to the Rudyard Road junction. The caravan site has five pitches in a row for touring caravans (with adjacent hard-standings for the cars) close to the eastern edge (the back edge) of the property and the application site is to the west of the pitches, between them and the road and with the dwelling, buildings and site access to the north. There is an existing vehicular access off Top Road which leads to the five pitches and the application site. Sky Cottage (a dwelling) lies immediately to the north of the caravan site and there are also two outbuildings, one of which has an approval to be used as a facilities/toilets block for the caravans and the other has an approval to be used as a holiday let unit. The field forming the application site appears to be in continued agricultural use with sheep present. The area surrounding the property comprises open fields to the east and north and a farm with farmhouse and farm buildings a short distance to the south. To the other side of Top Road to the west is a field then a dwelling which is approx. 60m from the road. The land at the property is on a gentle slope heading upwards from the road towards the east but then drops to the other side of the site further towards the east. The land drops downwards towards the village to the west from the road.

The site is in the Green Belt but is not affected by any other formal allocations or designations.

PROPOSAL

This is a full planning application for a wildlife pond which would take up much of the red line application site in front of the caravan pitches. A Planning Statement submitted with the application explains the following:

“The pond will have a surface area of 1320 square metres and is intended for wildlife purposes only. No commercial use is proposed. A new Holly Hedge is to be planted along the western site boundary, set behind the visibility splays associated with the new vehicular access approved under SMD/2020/0646.

Some regrading of the land is proposed as part of the works to create an embankment at the southern end of the pond, and to provide a flatter area across this very gently sloping site. The extent of the alterations to land levels are shown on the section drawings accompanying the application. No retaining structures are required to facilitate the development.”

In the conclusion, it is also stated *“the proposal will secure a net gain to biodiversity on the site as a consequence of the new hedgerow to be planted on the site, and the opportunities that are afforded for natural planting around and within the pond”.*

Sectional drawings have been submitted which show the extent of extraction and also some minor earthworks or banking as the site is on a gradual slope. The final amended plans add a 70 metre soakaway trench in a rectangular formation and which would be 1.3m deep x 1m wide and filled with no-fines rubble and lined with a porous geotextile membrane. This is connected to the pond via an overflow pipe for the purposes of effective drainage and overflow of water to protect the area from flooding. A 0.3m freeboard is shown at the top of the pond (distance between the water surface and the top of the earthworks to further deal with overflow).

The pond would be lined with puddle clay. The pond would have a max depth of approx 1.8 metres in the middle and would become shallower towards the edge.

Soakaway calculations were later submitted.

The agent confirmed there would be no water feed into the pond, with the pond being filled solely by rainfall.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffs Moorlands Local Plan (adopted September 2020)

SS10 Other Rural Areas Strategy
DC1 – Design Considerations
SD5 – Flood Risk
NE1 - Biodiversity

NPPF (Revised February 2019)

Sections 12 (Design), 13 (Green Belts), 15 (Natural Environment).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2020/0646: Formation of new vehicular access and hardstandings for touring caravans, and conversion and extension of existing outbuildings to create 1no. holiday let and toilet facilities. Approved.

SMD/2021/0272: Shepherd hut for caravan site. Approved.

CONSULTATIONS

Publicity

Site Notice expiry date: 16.7.21

Neighbour consultation period ends: 16.7.21

Press Advert: N/A

Public Comments

None.

Town / Parish Comments

recommended approval in principle should the following concerns be addressed: health and safety for caravan site users, drainage for overflow and recommend the environment agency review.

Environmental Health

No objection subject to standard conditions

Local Highways Authority

An objection was initially raised on the grounds of insufficient information. The Authority stated: *"There are concerns about flooding in extreme weather conditions. The applicant needs to provide more information on flood risk, mitigation measures in such an event, and demonstrate that the highway will not be impacted. The applicant could incorporate an overflow system which redirects excess water into the fields away from road and properties. However, any such mitigation should be sized to accommodate an extreme weather event and not increase risk of flooding on or off-site."*

On receipt of the overflow/drainage works details, in which the SCC Flood Team commented, no objection was raised subject to confirmation of a 70m soakaway, 0.3m "freeboard" at the top of the pond and confirmation of the "feed" into the pond.

Staffs Wildlife Trust

No objection subject to a landscaping condition to increase biodiversity.

“The proposals for a new pond will likely provide a biodiversity net gain, particularly if it is Implemented and managed sensitively for wildlife, as the area of grassland that will be lost appears to be mown and/or grazed and improved in nature. The pond has the potential to be a good quality habitat, providing native aquatic plants are used and a sensitive management scheme is proposed.”

Further enhancement measures are recommended.

Severn Trent Water

No objection.

OFFICER COMMENTS

The site is in the Green Belt and Policy SS10, the strategy for the countryside, requires strict control over inappropriate development in the Green Belt. The NPPF in Section 13 lists the forms of development in the Green Belt which are deemed to not be inappropriate and which are therefore by definition not harmful to the openness of the Green Belt. Although ponds are not listed, “engineering operations” are and the development comprises primarily extraction and earth banking works to create the pond which I am satisfied amounts primarily to an “engineering operation”. The proposal is therefore not amount to inappropriate development and would not therefore be harmful to the Green Belt.

With regard to the impact on the appearance of the area, the pond would not be prominent from the road and a hedge screen along the side of it would also provide additional screening. It would not be prominent in this raised plateau landscape from wider views and it not out of keeping in a countryside location where other such ponds may exist.

The pond has been deemed by Staffs Wildlife Trust as being beneficial to the ecological value of the area and the proposed hedge would also enhance the value further.

With regard to flood risk, the site is not in a flood zone but there are concerns about overspill (such as during spells of intense rainfall) particularly affecting the nearby road and therefore highway safety. Subsequent information from the agent shows there would be an overflow pipe connected to a 70 metre soakaway trench and this has met with the approval of the highways authority who had consulted the SCC Flood Team about the proposal. There would also be a 0.3m freeboard maintained at the top of the pond. Conditions can be added to ensure these mechanisms are added to the development along with a landscaping condition to secure the hedge provision and grass over exposed earthworks such as the small bunds.

With regard to the comments of the Biddulph Town Council, the Environment Agency was not consulted and it does not appear they would be required to do so for a pond of this scale. The EA was consulted on a proposed wildlife pond of very similar size in Bagnall (SMD/2019/0408) and did not object although commented that an Abstraction Licence may be required if water was added to the pond (via boreholes

for example) rather than being collected by the pond via rainfall and groundwater. The applicant confirms that the pond subject of this application would be filled by rainwater and by no other means.

The Town Council also mentioned that health and safety should be taken into account for the caravan guests. This is not a material planning matter and the applicant would be required to tackle this in accordance with Health and Safety legislation. However, informatives would be added recommending the applicant erect suitable fencing between the caravan pitches and pond and also for the soakaway trenches.

Consideration has been given as to whether this proposal could entail a requirement for EIA. Several categories in Schedule 1 refer to water related schemes and item 15 refers to "Dams and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds 10 million cubic metres." By reference to the submitted plans it is clear that the length of the proposed pond at its maximum is c.55 m and the width at the maximum is c.28m. The max depth is 2m but much of the area would be significantly less deep. Based on these maximum values an outside maximum volume of water would be 3080m³. Clearly the project does not fall within Schedule 1 item 15. None of the other categories under Schedule 1 are relevant.

Under Schedule 2 paragraph 1 – Agriculture and aquaculture – "Water management projects for agriculture, including irrigation and land drainage projects" are itemised at paragraph 1(b) as needing to be screened for Environmental Impact if "the area of works exceeds 1ha". The application form states the area as being 0.25ha. The proposal therefore does not fall within the definition of a schedule 2 scheme. Also under schedule 2 at paragraph 10 – Infrastructure Projects – 10(i) is a category for "Dams and other installations designed to hold water or store it on a long-term basis (unless included in Schedule 1)". Again the trigger threshold for screening is if the area of works exceeds 1 ha. In the Government's published indicative thresholds, projects are not likely to be EIA under 1(b) unless creating "Permanent changes to the character of more than five hectares of land" and unlikely under 10(i) unless involving "Any major new dam (eg where the construction site exceeds 20ha).

Accordingly EIA is not required

CONCLUSION

The proposed wildlife pond would appear to be linked to attracting wildlife and the contribute to the attractiveness of the caravan site to holiday makers/visitors. It is not an inappropriate form of development in the Green Belt and would not harm its openness. It would not harm the appearance of the area and has the potential to increase the biodiversity value of the area. There are therefore potential gains to the environment without any other forms of environmental harms (with the safeguard of the flood prevention mechanisms) or social and economic harms and therefore it accords with the overarching aims of the government planning guidance in the NPPF. It would also comply with the policies in the Council's Local Plan.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Chris Johnston
Recommendation Date: 24.9.21

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council