

5f 3/10/0981/FP – Erection of elevated observation walkways to big cat enclosures (extension to existing walkway) (part retrospective) at Paradise Wildlife Park, White Stubbs Lane, Bayford, EN10 7QA for Mr P. Sampson.

Date of Receipt: 02.06.2010

Type: Full - Minor

Parish: BRICKENDON LIBERTY

Ward: HERTFORD HEATH

RECOMMENDATION

a) That planning permission be **REFUSED** for the following reasons:-

1. The application site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. No such very special circumstances are apparent in this case to clearly outweigh harm caused by the development to the openness of the Green Belt and rural character and appearance of Woodhouse Lane contrary to policies GBC1 and ENV1 of the East Herts Local Plan Second Review April 2007.
2. The development is located in close proximity to trees protected by a woodland Tree Preservation Order and insufficient information has been submitted to enable the Local Planning Authority to determine the impact of the proposed development on these trees. The proposal therefore conflicts with ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

b) That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps that may be required to secure the removal of the section of unauthorised walkway adjacent to Woodhouse Lane, and the existing walkway to the north of the cheetah enclosure.

Period for compliance: 4 months

Reasons why it is expedient to issue an enforcement notice:

1. The application site lies within the Metropolitan Green Belt, as defined in the East Hertfordshire Local Plan, where development will only be allowed for certain specific purposes. There is insufficient justification for

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the section of walkway adjacent to Woodhouse Lane, which would impact on the openness of the Green Belt and rural character of the area. Its erection is therefore contrary to the aims and objectives of policies GBC1 and ENV1 of the East Herts Local Plan Second Review April 2007.

2. The development is located in close proximity to protected trees, and may prejudice their long-term health and retention. The loss and/or diminishment of these trees would be detrimental to the appearance of the site and surroundings. The development is therefore contrary to policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

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1.0 Background

- 1.1 The application site is shown on the attached OS extract and comprises an established wildlife park located in the Metropolitan Green Belt. The site includes a number of buildings, animal enclosures and viewing areas with car parking set in woodland surroundings. The site is covered by a woodland Tree Preservation Order.
- 1.2 This application proposes raised walkways and an access ramp to connect existing observation viewing platforms around the big cat enclosures. This application is described as part retrospective as the development had been commenced but not completed at the time of the Officer's site visit. A retrospective application for a two storey enclosed observation platform at the tiger enclosure is the subject of an accompanying application, 3/10/0683/FP.

2.0 Site History

3/08/1402/FP	Two storey ticket/office building.	Approved with Conditions 19-Nov-2008
3/08/1401/FP	Event marquee.	Approved with Conditions 22-Oct-2008
3/08/1400/FP	Two storey education, event and office building (retrospective).	Approved with Conditions 19-Nov-2008

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3/08/1390/FP	Overflow car park.	Approved with Conditions 22-Oct-2008
3/06/0167/FP	Single storey extension to house museum.	Approved with Conditions 22-Mar-2006
3/01/0065/FP	Single storey extensions, covered way and replacement covered area to terrace.	Approved with Conditions 13-Mar-2001
3/97/1145/FP	Single storey education centre.	Approved with Conditions 11-Feb-1998
3/97/0693/FP	Two storey rear extension to form additional bedrooms.	Approved with Conditions 04-Jul-1997

3.0 Consultation Responses

- 3.1 The Council's Landscape Officer recommends refusal on the grounds that the entire site is covered by a woodland Tree Preservation Order (TPO) and insufficient information has been submitted on trees to enable a determination of the impact, and the application form incorrectly states that there are no trees on site. A tree survey is required in order for the Local Planning Authority to form a balanced judgement on whether or not the proposed structure is unacceptably close to any protected trees. Diminishment of these trees will erode the woodland character of the area.
- 3.2 The Archaeology Officer makes no comment; the proposal is unlikely to have an impact upon significant heritage assets.
- 3.3 County Highways do not wish to restrict the grant of permission.

4.0 Parish Council Representations

- 4.1 At the time of writing this report no response had been received from Brickendon Liberty Parish Council.

5.0 Other Representations

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.
- 5.2 At the time of writing this report no letters of representation had been received.

6.0 Policy

6.1 The relevant saved Local Plan policies in this application include the following:-

- GBC1 Appropriate Development in the Green Belt
- GBC14 Landscape Character
- ENV1 Design and Environmental Quality
- ENV2 Landscaping
- ENV11 Protection of Existing Hedgerows and Trees
- BH1 Archaeology and New Development
- LRC10 Tourism

6.2 In addition to the above it is considered that Planning Policy Statement 1, (Delivering Sustainable Development), Planning Policy Guidance 2 'Green Belts', and PPS5 'Planning for the Historic Environment' are considerations in determining this application.

7.0 Considerations

Principle of Development

7.1 The site lies within the Metropolitan Green Belt wherein inappropriate development will not be permitted. The proposed development does not fall within any category of appropriate development set out in policy GBC1 or PPG2 and therefore amounts to inappropriate development. Although the site already comprises a number of buildings and structures, it has not been designated as a Major Developed Site. The construction of any new buildings therefore amount to inappropriate development and very special circumstances must be demonstrated that clearly outweigh the harm caused by reason of inappropriateness, and any other harm.

Very Special Circumstances and Impact

7.2 The proposed walkways will connect existing viewing platforms at the cheetah enclosure, tiger enclosure, and leopard enclosure. Each of the existing viewing platforms is currently only accessible by stairs. The walkways will be constructed of timber to a maximum height of some 3.5m with 1.1m high timber infill panels and metal balustrades above. The walkway will run for a total length of over 130m around the southeastern corner of the park. The southernmost 36m will be formed as a 1 in 12 ramp to provide disabled and pushchair access.

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- 7.3 Officers acknowledge that Paradise Wildlife Park is an important tourist attraction within the district and contributes to the economy of the area, and that Local Plan policy LRC1 will support suitable proposals. The proposed walkways and access ramp will significantly improve viewing opportunities and the visitor experience around the big cat enclosures. Officers therefore consider that, in principle, a justification could be made for these platforms.
- 7.4 However, the northern end of the walkway will be situated immediately adjacent to Woodhouse Lane, on the eastern boundary of the site. This is a rural lane comprising no other built development, and Officers consider that the proximity and height of the proposed walkway adjacent to the lane would impact on the openness of the Green Belt and erode the rural character of the area. It is noted that this boundary is partly screened by existing trees; however views remain through these trees to Woodhouse Lane, particularly during winter months. Further, its physical presence inhibits landscaping that could otherwise help to mitigate the impact of the walkway. This aspect of the development is therefore considered to conflict with policies GBC1 and ENV1 of the Local Plan, and no very special circumstances have been demonstrated to clearly outweigh this harm.

Impact on Protected Trees

- 7.5 The site is covered by a woodland Tree Preservation Order, but no information has been submitted on the location of trees in relation to the proposed development. The Council's Landscape Officer has therefore been unable to fully determine the impact of the development on protected trees and recommends refusal on these grounds.
- 7.6 Officers note that the walkway would be particularly close to trees along the eastern boundary, and a number of other trees within the application site, such as the hornbeam referred to in the accompanying report for 3/10/0683/FP. Diminishment or loss of these trees would further erode the woodland character of the surrounding area and visual amenities of the Green Belt. The proposal is therefore considered to conflict with policies ENV2 and ENV11 of the Local Plan.

Enforcement

- 7.7 Given that part of the walkway has already been constructed, and the section adjacent to Woodhouse Lane is considered to be unacceptable in terms of harm to the openness of the Green Belt, rural character of Woodhouse Lane, and also protected trees, Officers consider it expedient to pursue enforcement action to have the section of new walkway adjacent to Woodhouse Lane removed within a time period of 4 months.

- 7.8 The plans indicate that the walkway will connect to an existing walkway at the cheetah enclosure along this eastern boundary. Officers have no record of granting consent for this existing walkway, which also includes a raised covered section. This existing platform is located in close proximity to Woodhouse Lane, in an area with limited boundary screening, and Officers consider this to have an unacceptable visual impact. It is therefore also considered expedient to pursue enforcement action against this existing walkway.

Other Matters

- 7.9 There will be no impact on neighbouring amenity given the distance to the nearest neighbouring property.
- 7.10 There are no highway implications as a result of this development.

8.0 Conclusion

- 8.1 Overall the development amounts to inappropriate development in the Green Belt and therefore very special circumstances must be demonstrated that clearly outweigh the harm to the Green Belt, and any other harm. Whilst Officers acknowledge that the walkways would contribute to the visitor experience and tourism benefits of the site, it is not considered that this amounts to a reason to permit an insensitively located section of walkway adjacent to the eastern boundary of the site that erodes the rural character of the area and openness of the Green Belt. Further, no information has been provided on trees in order to establish the impact of the development on protected trees.
- 8.2 The application is therefore recommended for refusal for the reasons set out above, and it is also recommended that authorisation be given to issue and serve a Planning Enforcement Notice with regard to the unauthorised walkways.