

| Name of Applicant<br>Type of Certificate | Proposal                                                                                                                                                                                                                                                                                              | Map/Plan<br>Policy | Plan Ref.<br>Expiry Date |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------|
| Alvechurch<br>Fisheries                  | Proposed pools –                                                                                                                                                                                                                                                                                      | GB                 | 11/0139 -<br>SC          |
| 'B'                                      | <p><b>As amended by:</b><br/>Amended Plans received 04/04/2011</p> <p><b>As augmented by:</b><br/>Additional flood risk assessment received<br/>01/03/2012 and Ecological Survey received<br/>25/05/2012)</p> <p>Alvechurch Fisheries,<br/>Bittell Road, Barnt Green,<br/>Worcestershire, B45 8BW</p> |                    | 04/07/2011               |

**RECOMMENDATION:** that permission be Granted

#### Consultations

|                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DRNENG             | <p>Consulted – comments received 03/05/2011: No objection subject to EA comments.</p> <p>Reconsulted on revised FRA 08/03/2012: views awaited.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Natural<br>England | Consulted 14/04/2011 – comments received 21/04/2011: No objection                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| PROW               | <p>Consulted 14/04/2011 – comments received 09/05/2011: No objection.</p> <p>The proposal affects a public right of way as recorded on the Definitive Map. The public right of way is Alvechurch footpath 527 (AV-527).</p> <p>I note from the application, that the proposal requires alterations to public right of way. If it is necessary to divert / extinguish / create public rights of way in order for the permitted development to take place, this should be <b>completed to confirmation stage</b> before any development affecting the public right of way is started. Application should be made to the Planning Authority. I look forward to further consultation on any such proposals and to receiving a copy of any Orders made.</p> |
| RAMBLERS           | <p>Consulted – comments received 19/05/2011: Objects to proposed path diversion.</p> <p>Main area of concern is the section by the proposed stock pool. This section is comprised of a steep overgrown incline to the canal that is very uneven with rabbit and animal habitation: very difficult to maintain and in our opinion dangerous to pedestrians.</p>                                                                                                                                                                                                                                                                                                                                                                                         |

Suggest that a solution would be to divert the footpath between the stock pool and the house pool.

WMERCIA Consulted – comments received 19/04/2011:

No objections or comments to make regarding this application.

KERNON Consulted – comments received 05/05/2011:

Bromsgrove District Council Local Plan policy **RAT1: Recreational use on lower quality agricultural land** highlights “**the need to protect the best and most versatile land (Grades 1, 2 and 3a) from development**”. The policy goes on to provide an example: “**Where agricultural land is converted to ‘outdoor sports’ such as a golf course, return to best quality agricultural land is seldom practical**”. Clearly the excavation of fishing lakes and associated landscaping will permanently remove the land from agricultural use.

No information is provided regarding the Agricultural Land Classification (ALC) to determine whether the land is Grade 1, 2 or 3a. The Provisional ALC 1:250,000 Series map shows that land to the north of Alvechurch (i.e. the area of the site) is Grade 3. A copy of the ALC map and key is provided at **Attachment 1**.

ALC Grade 3 is divided into two sub-types: 3a and 3b, grade 3a being “**best and most versatile**”. The provisional 1:250,000 map does not break down Grade 3 into these subtypes and is of too large a scale to be site-specific. It is not therefore possible to ascertain whether the site is “**best and most versatile land**” without further investigation.

If the Council is minded to approve the application and has concerns regarding the potential loss of 8 ha of agricultural land, it may wish to seek clarification by requesting existing site specific ALC data or by requiring the Applicant to undertake an ALC survey.

ENVIRO Consulted – comments received 09/05/2011: No objection.

BRIWAT Consulted – comments received 11/07/2011 comments received After due consideration of the application details, British Waterways has **no objections** to the proposed development, **subject to** the submission of additional information and the imposition of suitably worded **conditions** relating to:

#### **Flood Risk**

The application site lies immediately east of the Worcester and Birmingham Canal, which is carried on an embankment which also separates the site from the Lower Bittel Reservoir. We note the comments made by the Environment Agency in their letter of 1<sup>st</sup> June

2011 and also the further comments contained in their email dated 21<sup>st</sup> June 2011 regarding the submitted Flood Risk Assessment and would concur with the view that further information should be provided to assess the potential impact of the proposed development on flows from the canal/reservoir across the site during flood events.

### **Structural Integrity**

The proposed Stock Pool is located close to the toe of the canal embankment. BW would wish to be assured that the construction of this pond will not undermine or otherwise adversely affect the structural integrity of the canal embankment. We consider that this matter could be adequately secured by means of condition, and would request that we are consulted on any details submitted to discharge such a condition.

We would also advise that the site is crossed by a culvert carrying water from the canal. The proposed development should not damage or obstruct this culvert, and we would suggest that the route of the culvert be safeguarded during construction works to minimise the risk of accidental damage.

|                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| TREES                          | Consulted – comments received 28/07/2012: No objection s.t.c                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| EA                             | Consulted – comments received 03/05/2012: No objection subject to condition relating to habitat management.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| WWT                            | Consulted – comments received 24/10/2011: The site clearly has some, albeit limited, potential for protected species.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| COARCH                         | Consulted – comments received 20/01/2012: No objection subject to condition relating to an archaeological watching brief during the stripping of topsoil.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Alvechurch<br>Parish Council   | Comments received 17/10/2011: No objections, though there were concerns about the traffic and APC would like to a 'left turn only' at the exit site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Barnt Green<br>Parish Council: | <p>Consulted – comments received 09/08/2011</p> <p>The proposed pools will be a very significant development within the Green Belt and represent a 2/3 fold increase in the scale of the existing fishery. We have several concerns in relation to this proposal:</p> <ol style="list-style-type: none"><li>1. Landscaping needs to be carefully thought through to enable the proposed ponds to fit sympathetically within the Green Belt.</li><li>2. Careful consideration needs to be given to the effects on the wider landscape and adjoining neighbours.</li><li>3. Noise from the use of equipment should be minimal, or non-existent.</li></ol> |

4. There should be no artificial lighting on the site.
5. Public Right of Way No. 527 should be retained.
6. An ecological survey should be carried out to assess the value of the site in relation to vegetation and wildlife.
7. The proposed pools are on land considered as a potential flood area should Bittell Reservoir fail. In the unlikely event of this happening what measures will be put in place to control such an occurrence.
8. Should this application be approved it would be anticipated that there will be a 2/3 fold increase in vehicles wishing to access the site. The increase in traffic will exacerbate the problems already experienced along this narrow stretch of Bittell Road. Consideration needs to be given to how users access the site.

We are not opposed to this proposal but there are significant problems attached to it that need resolving before permission is granted.

COMSAF                      Consulted 14/04/2011: No comments received.

ECON                        Consulted 14/04/2011: No comments received.

POLICY                     Consulted 14/04/2011: No comments received.

(Landscaping)

INLAND                    Consulted 14/04/2011: No comments received.

WH                         Consulted – comments received 28/04/2011: no objection.

Publicity                   Site Notices (3) posted 27/05/2011; expired 17/06/2011  
Neighbour notification letters (4) posted 19/07/2011; expired 09/08/2011

2 Letters of representation received raising the following points:

- Careful landscaping required to ensure sympathetic development and protection of privacy.
- Use & operating opening times should be limited.
- Use of motor vehicles, quad bikes and motor cycles should be prohibited.
- Ground levels would be more sympathetic if in accordance with existing levels.
- Lack of detail in plans.
- A detailed landscape and maintenance programme should be conditioned.
- No artificial lighting as would be detrimental to Green Belt and amenity.
- Any pumps of motorised equipment be located away from residential properties.

- Use of radios, music equipment ect be prohibited.
- Method of keeping dust to a minimum and mud off roads should be conditioned.
- Concern with regards to the scale of the development and impact on outlook.
- Concern with regards loss of footpath.
- Field currently provides a flood area if upper bittell reservoir were to fail.
- Loss of trees.
- Impact on protected species and natural Wildlife.
- Loss of view.

### The site and its surroundings

This application relates to an established recreational fishery and the land immediately to the north of the existing fishery. The fishery is located on the northern side of Bittell Road, approximately 1.5 miles north of Alvechurch town centre and approximately 1 mile to the east of Barnt Green. The application site includes the existing fishery (approximately 3.2ha), consisting of four pools, a clubhouse and a large car park, and also the field measuring 8.09 hectares immediately adjacent the fishery to the north. The existing fishery buildings are located adjacent to the south east boundary of the site, adjoining the common boundary with Little Stannalls, a substantial detached private dwelling.

The site is bounded by fields to the north and east, the B4120 Bittel Road to the south and by the Worcester and Birmingham Canal to the west, with the Lower Bittell Reservoir SSSI located just beyond the canal. The head of the River Arrow flows through the existing fishery in an east to west direction. An existing footpath bisects the site, providing a right of way north to south (and vice versa) though the site.

The site is located within the designated West Midlands Green Belt and the surrounding landscape is an attractive mixture of gently undulating fields and prominent water features. The field to the north of the fishery appears to have historically been used for agriculture, but is currently covered in long rough grasses and has recently seen the planting of significant numbers of young native woodland saplings. When viewed from surrounding vantage points, the field appears to be in a depression, lower than the surrounding undulating fields to the north and east and lower than the banks of the canal to the west. A sporadic run of development is located just to the south of the river and north of Bittell Road.

### Proposal

This application proposes the excavation of two lakes, two pools and to extend and re-profile an existing pool. The new lakes will consist of a large specimen lake, a match lake and a stock pools for growing fingerling sized fish. The lake known as House Pool will be extended and remodelled. The proposed specimen lake is by far the largest excavation and will hold in excess of 25,000 cubic metres of water, with a maximum width of

approximately 320m. The existing fishery currently provides some 60 fishing pegs and it is proposed to increase the total number of pegs to 124.

It is proposed to retain all excavated material within the site and there is to be a graded bund bank constructed partially along the eastern boundary. The proposed bund and alterations to the profile of the land on the site will be carried out using the excavated material from the site.

The existing public footpath is proposed to be diverted along the western boundary of the site. The existing access and parking are to be retained for the expanded operation.

### Relevant Policies

|               |                                                                                                                                                          |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| WMSS          | QE3                                                                                                                                                      |
| WCSP          | SD.1, SD.2, SD.4, CTC.1, CTC.7 CTC.8, CTC.9, CTC.12, CTC.14, CTC.15, CTC.19, D.38, D.39, D.43, T.1, T.4, RST.1, RST.2, RST.3, RST.9, RST.14              |
| BDLP          | DS1, DS2, DS13, C4, C5, C9, C10A, C17, C18, C36, C39, E9, TR8, TR10, TR11, RAT1, RAT2, RAT12, RAT13, RAT22, RAT23, RAT34, ES1, ES2, ES4, ES7, ES11, ES16 |
| Draft CS      | CP3, CP11, CP13, CP16, CP17, CP20, CP22, CP23                                                                                                            |
| <b>Others</b> | NPPF, Circular 11/95, Circular 06/05                                                                                                                     |

### Relevant Planning History

|             |                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09/0081     | Proposed replacement club house service building (As amended by plans received 18/03/2009 and 07/04/2009 and augmented by letter and Baseline Ecological Survey Report received 18/03/2009, Water Vole Survey Report and Mitigation Strategy and Flood Drainage Standing Advice received 24/03/2009, email received 25/03/2009 and roof material information received 07/04/2009) – Approved 15/04/09 |
| 09/0080     | 2 no. non-illuminated entrance signs (As amended by plans received 10.03.09): advertisement consent approved 03/04/09                                                                                                                                                                                                                                                                                 |
| B/2008/0540 | The siting of a temporary dwelling for a three year period to support the continued operation: approved 29/07/08                                                                                                                                                                                                                                                                                      |
| B/2008/0100 | Erection of new dwelling: refused 01/04/08                                                                                                                                                                                                                                                                                                                                                            |
| B/1995/0421 | Change of use of existing outbuilding to form bait and tackle shop: approved 04/09/96.                                                                                                                                                                                                                                                                                                                |
| B/1994/0835 | Formation of two coarse fishing lakes and two ponds, change of use of part of existing coach house to fisherman's lodge, construction of vehicular access and parking area: approved 13/02/95                                                                                                                                                                                                         |
| B/1994/0541 | Private fishing pond: withdrawn                                                                                                                                                                                                                                                                                                                                                                       |

B/1991/1154 Game pond created by cut and fill, water supplied by natural drainage:  
approved 09/03/92 (for private use only)

### Assessment

The main issues to be considered in this application include:

1. Whether the proposed development is an appropriate form of development in the Green Belt and, if not, whether very special circumstances exist to outweigh the level of harm caused.
2. The ecological and protected species impact.
3. Drainage & flood risk.
4. Highways and sustainable transport.
5. Residential amenity.
6. Economic development.

### Green Belt

This proposal involves significant excavations and alterations to the existing profile of the landscape, representing a large scale engineering operation. Green Belt policy advice within the National Planning Policy Framework 2012 (NPPF) states that engineering operations are not inappropriate in the Green belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. For reference, members will note the NPPF states, “the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

Paragraph 81 of the NPPF further requires that,

“Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity;”

In relation to the overall principle of outdoor recreation within the Green Belt, Policy RAT2 of the BDLP reflects the NPPF in so much as it provides that the provision of essential facilities for outdoor recreation are appropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt.

Thus, the main Green Belt considerations in relation to this development are the impact on openness and whether the visual impact would represent encroachment into the countryside. It is necessary for members to not only consider the creation of a number new fishing lakes, but also the impact of any material changes to the lay of the land by virtue of removing and depositing spoil and also the impact of parking additional cars.

It is your officer's view that areas of open water do not detrimentally impact on the openness or, generally speaking, the visual amenity of the Green Belt. The immediate surrounding area is characterised by large bodies of water and the addition of the proposed fishing lakes could, with the addition of a satisfactory scheme of landscaping, be a positive addition to the landscape. It is viewed that the existing lakes, when viewed in the context of the surrounding mature landscaping, are accommodated comfortably within the landscape. No new associated buildings are proposed, however, fences, signage, benches, the laying of hardcore and other such associated paraphernalia have the potential to harm the current attractive landscape. The applicant has not provided a detailed scheme of landscaping or planting, however, it is viewed that this matter can be satisfactorily controlled through a suitably worded condition.

In relation to the profiling of the site, a topographical survey of the existing site has been provided including spot levels and sectional detail. The survey data provided indicate that the highest point (139.38m AOD) of the site is at the northern corner of the site. The lowest point (126.90m AOD) of the site is located adjacent the River Arrow at the eastern boundary of the site. The proposed sectional survey data provided indicates a maximum increase of 2.5m in the height of the existing land, however, the information regarding proposed levels is limited in its precise detail. Whilst the building up of large landscape bunds would give an unnatural appearance to the landscape, it is considered that the satisfactory re-profiling of the landscape could be controlled by condition and that the increase in levels shown in the sectional data would not necessarily result in harm to the visual amenity of the Green Belt.

Whilst it is viewed that the creation of a number of new fishing lakes does not of itself harm openness, the presence of a significant number of extra cars serving additional customers would represent a detrimental impact on the visual amenity of the Green Belt. It is noted, however, that Alvechurch fisheries benefits from a large car park adjacent to its access. No extension to this car park has been proposed and it is therefore viewed that the impact on the visual amenity of the Green Belt would be limited in this regard as no further laying of hardcore would be required.

In consideration of the above, it is viewed that, subject to appropriate conditions in relation to the re-profiling of the site and landscaping details, that the development would not be detrimental to the purposes of the Green Belt and therefore represents an appropriate form of development.

### Flood Risk

Part of the site is located within the Flood Zone 3 (1%, 'high probability') of the River Arrow, based on the Environment Agency Flood Zone Map. Whilst the proposed development can be considered as 'water compatible', it is necessary for applications within Flood Zone 3 to be accompanied by a Flood Risk Assessment (FRA) that is appropriate to the scale and nature of the development and that clarifies the existing flood risk to the site and the impacts of the proposed development on flood risk. The NPPF requires that local Planning Authorities ensure flood risk is not increased elsewhere.



Policy ES2 of the BDLP guides that proposals involving the alteration of ground levels will not normally be permitted where there is a known risk of flooding, or where the Environment Agency indicates that there are potential problems.

An augmented FRA, Final Report Rev A, reference 9W9686, dated 21 February 2012, and prepared by Royal Haskoning, for the above site has been submitted in support of the application. The Environment Agency has reviewed the FRA and has raised no objection, subject to conditions, to the proposal in light of the additional FRA information provided.

The Council's Drainage Engineer has indicated that the principle of the proposed scheme is acceptable in practical terms. I am currently awaiting comments from the Drainage Engineer with regards to the updated FRA and will update members at your committee on this issue.

### Bio-diversity and Protected Species

Paragraph 118 of the NPPF guides that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity.

Paragraphs 99 of Circular 06/2005 (Bio-diversity & Geological Conservation) requires that when habitat is viewed as suitable for protected species, "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making that decision."

An extended Phase 1 Habitat Survey submitted in February 2011 recommended further surveys to be carried out in relation to reptiles and amphibians (pages 12 – 14). Further habitat and protected species surveys have since been carried out to determine the presence of Great Crested Newts and the suitability of the area for protected reptiles. These surveys conclude that:

- there does not appear to be any implications for this development with regard to Great Crested Newts under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010.
- the habitat is distinctly unfavourable for slow-worms and grass snakes.
- depending on the timing of the works there is the potential to disturb nesting birds and as all wild birds (i.e. resident, visiting and introduced species) in England and Wales are protected by law under the Wildlife and Countryside Act 1981 (as amended) care should be taken to ensure that no nesting wild birds are disturbed during any clearance of vegetation or any other works. Ideally the removal or destruction of suitable breeding habitat should occur outside the breeding season, which for most species occurs from late February until late August. Should any work be undertaken during these months then a suitably qualified ecologist must be engaged prior to commencement in order to check for nesting birds and advise accordingly on the most appropriate way to proceed.

Members will note the comments of the Environment Agency have commented on the issue of bio-diversity and protected species. White clawed crayfish, a protected species under The Wildlife and Countryside Act 1981, are known to be present downstream of the site (2011 records) and Water Voles were found to be present during ecological surveys performed in support of the 2009 application for the club house. A Natural England licence would be required to disturb such legally protected species. Natural England has raised no objection with regard to the impact of the proposal on the nearby Lower Bittell Reservoir SSSI. Members will note the views of WWT.

To ensure the protection of wildlife and supporting habitat and to secure opportunities for the enhancement of the nature conservation value of the site, it is recommended that a Habitat Management Plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the local planning authority. This will be controlled through a suitably worded condition.

### Public Rights of Way (PROW)

Paragraph 75 of the NPPF guides that, "Planning policies should protect and enhance public rights of way and access."

Policy RAT12 (Public Rights of Way) of the BDLP requires that,

*"The District Council will, in conjunction with the County Council, actively support and promote the use of public rights of way for recreational purposes through a recognised network of public paths, routes and trails. Liaison will take place with other bodies as necessary to ensure landscape, agricultural, conservation and user interests are taken into account."*

Members will note that Policy RST3 of the Worcestershire County Structure Plan seeks to ensure that development does not reduce the utility, convenience, recreational value, attractiveness and historic significance of the public right of way.

The proposal requires the diversion of the legally defined public right of way. Members will note the safety and amenity concerns of the Ramblers Association in relation to this proposed diversion. The County Council PROW Officer has not raised an objection with regards to the proposal subject to the satisfactory diversion of the footpath.

I am of the view that the proposal would not be unduly intrusive in this location and that a suitable diversion satisfying all parties should be possible. The Council's legal advice recommends that conditions relating to the diversion or stopping up of Public Rights of Way are not attached to planning permissions. As such, if members are minded to approve the application, it is recommended that an informative is attached informing the applicant of the obligation to formally divert the footpath under section 257 of the Town and Country Planning Act 1990.

## Highways

The NPPF advises local planning authorities to promote sustainable transport choices and reduce reliance on the car for journeys. Carefully managing the amount of parking is essential, as part of a package of planning and transport measures, to promote sustainable travel choices. Policy RAT2 requires new facilities for outdoor sport and recreation to be located within a reasonable walking distance of an existing public transport service.

It is noted, however, that the provision of fishing lakes is a development of inherently rural nature. As such, it is accepted that a certain level of vehicular trip generation is necessary. The site is already established and is located relatively closely to smaller local population centres, as well as within 2 miles of the larger Birmingham conurbation. Barnt Green train station is located approximately a 1 mile walk away and the site is located approximately 0.5km from the local bus services to and from Alvechurch.

Overall, whilst the proposal is likely to generate extra vehicular trips, it is accepted that the rural nature of the proposal necessitates such travel and that the close proximity of urban centres likely reduces trip length.

Policy TR11 of the BDLP requires all development to incorporate safe means of access and egress appropriate to the nature of the local highway network and to provide sufficient off-street parking.

The County Highways Officer has been consulted with regards to the designs and has raised no objection to the proposal. Members will note the representations received in relation to highways and increased vehicular trip generation.

In consideration of these matters, significant weight should be given to the views of the Highways Engineer. As such, it is viewed that the proposal would not introduce vehicular usage detrimental to the proper functioning of the highway.

## Residential Amenity

It is noted that there are a number of residential dwellings located to the south of the proposed development and also Bittell Cottage located to the west, the other side of the canal. At least 60m separates the new lakes from the dwellings to the south and significant boundary screening is already in existence. Fishing can be described as 'quiet' recreation and it is not viewed that the use of fishing ponds creates significant residential amenity issues. The existing clubhouse has opening hours from 08:00 hours to 22:30 hours Monday to Sunday including Bank Holidays controlled by planning condition. It is recommended that similar opening hours are applied to the extended enterprise. Whilst the concerns of nearby residents in relation to noise should be noted, Alvechurch Fisheries is well established and it is viewed that its extension is unlikely to create significant residential amenity issues over and above current operations.

## Economic Development

The NPPF supports economic growth in rural areas in order to create jobs and prosperity and guides that Local Planning Authorities should take a positive approach to the sustainable development of rural based enterprises (Para 28). The applicant has submitted a business plan in support of the proposal and it is clear that there is significant ongoing investment at the site. The application form indicates that the enterprise provides employment for 2 full time and 3 part time employees and that the proposal will increase employment to 2 full time and 5 part time employees.

It is viewed that the expansion of this enterprise would not compromise the character of the countryside and represents a relatively sustainable location for what is a necessarily rural activity.

## Conclusion

In consideration of the above, it is viewed that, subject to appropriate conditions in relation to the re-profiling and landscaping of the site, the development would not be detrimental to the purposes of the Green Belt and represents the expansion of a relatively sustainable rural enterprise.

**RECOMMENDATION:** that permission be granted

## **Suggested Conditions**

1. C001 (3 years)
2. C001A (Approved Plans)
3. C010 (Landscaping)
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no works set out in Class A and B, Part 2 of Schedule 2 to the Order shall be carried out without prior written permission of the Local Planning Authority.

Reason: To protect the visual amenity of the area in accordance with policy DS2, DS13 of the Bromsgrove District Local Plan January 2004 and policy CTC.1, D38, D39 of the Worcestershire County Structure Plan 2001 and national policy PPG2.

5. Prior to the commencement of development a Habitat Management Plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the local planning authority.

The scheme shall include detail on: any new habitat created on site, including the design of the proposed marsh ponds; the extent and type of new planting; the treatment of site boundaries and/or buffers around water bodies; details of restoration of the reinstated land between the river and the new/re-aligned lakes; measures to minimise erosion and details of maintenance regimes.

The habitat management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

Reason: To ensure the protection of wildlife and supporting habitat and to secure opportunities for the enhancement of the nature conservation value of the site in accordance with the provisions of the National Planning Policy Framework.

6. No development shall take place until a programme of archaeological work including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing.

Reason: To protect features of archaeological interest in accordance with Policy C38 of the Bromsgrove District Local Plan, Policies CTC.17 and CTC.18 of the Worcestershire County Structure Plan and the provisions of the NPPF.

7. No works of any kind shall be permitted within or through the Root Protection Areas of trees or hedges on and adjacent to the application site without the prior specific written permission of the Local Planning Authority. This specifically includes any works such as changes in ground levels, installation of equipment or utility services, the passage or use of machinery, the storage, burning or disposal of materials or waste or the washing out of mixing or fuel tanks.

Reason: In order to protect the trees, hedges & landscape features which form an important part of the amenity of the site and adjacent properties in accordance with policies C12, C17 and DS13 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.

8. Where any works are proposed or required within the Root Protection Area of any trees or hedges on or adjacent to the application site, these shall only be carried out in accordance with an Arboricultural Method Statement or similar detailed schedule of works submitted to and approved by the Local Planning Authority.

Reason: In order to protect the trees, hedges & landscaping features which form an important part of the amenity of the site and adjacent properties in accordance with policies C17 and DS13 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.

9. No development shall take place until a detailed scheme for the construction of the proposed pools and landscape re-profiling (including depths of all excavations, method of construction and finished ground levels within the application site) have been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter only be constructed in accordance with the agreed scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the visual amenity of the area and to ensure that the structural integrity of the adjacent canal is not adversely affected in accordance with policy DS2, DS13 of the Bromsgrove District Local Plan January 2004 and policies CTC.1, D38, D39 of the Worcestershire County Structure Plan 2001 and the provisions of the NPPF.

10. Within seven days of the commencement of the development hereby permitted, written notification of such commencement shall be sent to the Local Planning Authority.

Reason: To enable the Local Planning Authority to monitor the development.

11. A topographical survey of the site shall be carried out within six months of the site re-profiling works beginning and shall be provided to the Local Planning Authority within one month of the survey date. Thereafter the survey shall be updated every four months and provided to the Local Planning Authority. A final topographical survey of the site shall be carried out following completion of the site re-profiling and this shall be provided to the Local Planning Authority within one month of the final survey date.

The survey shall be at a scale of no less than 1:1250 unless otherwise agreed in writing by the Local Planning Authority, with all levels related to Ordnance Datum.

Reason: To protect the visual amenity of the area in accordance with policy DS2, DS13 of the Bromsgrove District Local Plan January 2004 and policy CTC.1, D38, D39 of the Worcestershire County Structure Plan 2001 and the provisions of the NPPF.

12. The hours of operation for the excavation and re-profiling works hereby permitted shall be 08:30 hours to 18:00 hours Monday to Friday, 08:30 hours to 15:30 hours on Saturdays. No excavations or re-profiling works in connection with the development hereby permitted are to take place whatsoever on Sundays or Bank Holidays. No excavation or re-profiling works in connection with the development hereby permitted shall be carried out on site outside these hours.

Reason: To safeguard nearby residences from undue noise and disturbance in accordance with Policy DS13 of the Bromsgrove District Local Plan and Policy SD.2 of the Worcestershire County Structure Plan.

13. Unless otherwise expressly approved in writing by the Local Planning Authority, no materials excavated in connection with the hereby approved development shall be removed from the application site.

Reason: To safeguard nearby residences from undue noise and disturbance in accordance with Policy DS13 of the Bromsgrove District Local Plan and Policy SD.2 of the Worcestershire County Structure Plan.

14. No development shall take place until details for the arrangements to prevent heavy plant/machinery passing over the line of the existing culvert crossing the site has first been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter only be constructed in accordance with the agreed arrangements unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the risk of flooding and ensure proper water management in accordance with the provisions of the NPPF.

15. The fishing pools hereby approved shall only be open between the hours of 08:00 hours and 22:30 hours Monday to Sunday including Bank Holidays.

Reason: To protect the amenity of nearby residential occupiers in accordance with policies DS13 and E9 of the Bromsgrove District Local Plan 2004.

### Informatives

1. The granting of planning consent does not absolve the applicant from complying with the relevant law protecting species, including obtaining and complying with the terms and condition of any licences required, as described in Part IV B of Circular 06/2005.
2. If it is necessary to divert, extinguish or create public rights of way in order for the permitted development to take place, this should be **completed to confirmation stage** before any development affecting the public right of way is started. Application should be made to the Planning Authority prior to development commencing.

### **Notes:**

This decision has been taken having regard to the policies within the West Midlands Spatial Strategy, the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan January 2004 (BDLP) and other material considerations as summarised below:

Plan reference

|               |                                                                                                                                                          |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| WMSS          | QE3                                                                                                                                                      |
| WCSP          | SD.1, SD.2, SD.4, CTC.1, CTC.7 CTC.8, CTC.9, CTC.12, CTC.14, CTC.15, CTC.19, D.38, D.39, D.43, T.1, T.4, RST.1, RST.2, RST.3, RST.9, RST.14              |
| BDLP          | DS1, DS2, DS13, C4, C5, C9, C10A, C17, C18, C36, C39, E9, TR8, TR10, TR11, RAT1, RAT2, RAT12, RAT13, RAT22, RAT23, RAT34, ES1, ES2, ES4, ES7, ES11, ES16 |
| Draft CS      | CP3, CP11, CP13, CP16, CP17, CP20, CP22, CP23                                                                                                            |
| <b>Others</b> | NPPF, Circular 11/95, Circular 06/05                                                                                                                     |

It is the Council's view that the proposed development complies with the provisions of the development plan and that, on balance, there are no justifiable reasons to refuse planning permission.