

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Maximus Group Ltd. 'A'	Office Development - Variation of previous consent B2003/0624 - Land at Barnsley Hall Farm, Birmingham Road, Bromsgrove	GB	B/2007/1246 15.02.2007

RECOMMENDATION: that **DELEGATED POWERS** are granted to the Head of Planning and Environment Services to determine the application (minded to approve) subject to any suitable conditions which are required to be imposed, subject to the revocation of previous consent B/2003/0624 and the Government Office not wishing to call-in the application under the "Departure" procedure.

Consultations

HA	Consulted - No objection 12.12.2007.
WCC(HP)	Consulted - Comments awaited.
PROW	Consulted - Comments awaited.
RA	Consulted - Comments awaited.
CEHO	Consulted - suggest conditions in terms of previously developed land (verbal response) - No objection to noise assessment and details provided.
ENG	Consulted - Suggests conditions. Use of SUDS is acceptable.
LP	Consulted - Given previous consent no comments to make.
LT	Consulted - Verbal response - no objection subject to suitable tree conditions. Report detailed and clear in terms of intentions.
NEO	Consulted - Comments awaited.
EDO	Consulted - The survey supplied refers to the Birmingham and Black Country Biodiversity Action Plan (BAP) as the Local BAP. Bromsgrove District, in fact, falls under the Worcestershire BAP. Therefore, some of the species listed as covered by the LBAP may not necessarily be. However, this does not affect the overall validity of the report or its recommendations.

The site comprises mature trees and woodland (the majority of which fall under a Tree Preservation Order), rough grassland and some areas of hard-standing. The development proposal would result in the loss of small areas of grassland and scrub which should be mitigated, in accordance with PPS9. PPS9 states that "local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place", and requires all developments to "maintain, and enhance, restore or add to biodiversity interests". The report supplied recommends the planting of alternative scrub areas, and lists appropriate species. These recommendations should be followed, and should be achieved through an appropriate landscaping scheme agreed with the Local Authority prior to commencement of works on site. This could be achieved through a planning condition.

The report states that the site provides suitable foraging habitat for badger. Badgers are legally protected under the Badgers Act 1992. In

order to maintain the value of this site for badgers the habitat mosaic should be maintained. Consideration should be given to the inclusion of fruit and nut bearing species in a landscaping / planting scheme in order to provide additional foraging for badger, thus meeting the requirement of PPS9 to "enhance" biodiversity interests on site.

The report highlights the likelihood for reptiles to be using the site. As more detailed surveys have not been carried out and as it is impossible to prove negative, it must be assumed that reptiles are present. All British native reptiles are protected against intentional killing and injury under the Wildlife and Countryside Act 1981. Some species are afforded additional protection under this Act or the Conservation Regulations 1994. To avoid infringements under the Wildlife and Countryside Act there must be evidence to show that every reasonable effort was made to avoid breaking the law. This should include adequate surveys and mitigation plans. The report supplied recommends carrying out additional reptile surveys at the appropriate time of year, this being April / May or September. It states that, if this is not possible, an alternative mitigation scheme may be agreed, and that this is likely to involve a strategy of habitat manipulation in order to encourage reptiles to move away from the development footprint, and a destructive search by an ecologist prior to works on site. Such a scheme would be acceptable in this situation. Some suggestions which could be considered are available in the CIRIA 'working with wildlife site guide'. A mitigation and enhancement scheme should be drawn up by a suitably experienced ecologist and approved by the LPA prior to the commencement of works on site. This could be agreed through a planning condition.

The site provides opportunities for nesting birds. Nesting birds are legally protected under the Wildlife and Countryside Act 1981. Therefore any works affecting vegetation on site should be carried out outside of the bird nesting season. If works to trees or vegetation are to be carried out within the nesting season then checks for nests must be carried out by a suitably experienced ecologist. Hand checks for hedgehogs should also be carried out prior to any works to vegetation, in line with the recommendations of the report.

Bat and bird boxes should also be included in the development, improving roosting and nesting opportunities on site. This would be in line with the requirement of PPS9 that developments "restore, enhance or add to biodiversity interests", and is recommended by the report supplied.

The natural areas / elements on site should be maintained for the benefit of wildlife and this should be agreed through a management plan.

These measures could all be agreed through a planning condition.

Publicity No adjacent occupiers.
Site notice posted 21.11.2007 - expires 12.12.200.7
Press notice published.

The site and its surroundings

This particular site relates to a large complex of buildings and associated land situated just north of junction 1 of the M42 on the western side of Birmingham Road, Bromsgrove. The site itself was the former Barnsley Hall Farm, which was a self contained farm unit run in conjunction with the former hospital. This particular site has been isolated from the rest of the former Barnsley Hall site by the construction of the M42. Most of the site is not easily visible from the Birmingham Road as there is substantial tree cover and hedgerow.

Much of the wooded area is covered by a Tree Preservation Order. This also includes the original avenue of trees which lead directly up to the 3 storey farmhouse. The site beyond the wooded area is a large expansive area with a number of brick buildings extending west from the farmhouse. This site here slopes down away to the M42 intersection with the M5, which is clearly visible before the motorway sinks into a cutting at junction1 nearer to the site. The main farmhouse and associated buildings appear in poor repair and, in fact, much of the original farmhouse has not only been extensively vandalized but much of the building removed. The same is true for a number of the other outbuildings with many of the main structures reduced and / or removed to the extent they are. The old dairy building which was directly adjacent to the farmhouse (to the west) was the only substantially complete building left on site but recently has been the victim of an arson attack and has been badly damaged and the roof has been lost. It appears that the majority of the buildings have now disappeared due to materials being removed and general vandalism, leaving just foundations and concrete pads.

The site is within confirmed Green Belt.

Proposal

This proposal represents a variation of the previous consent granted on site under reference B/2003/0624. The variation relates to the format of the building. Consent B/2003/0624 consolidated the footprints of the existing buildings dotted around the site to one large massed building. This proposal represents the introduction of a curved format to the layout of the buildings and the separation of the one large building into 6 individual 2 storey buildings built around one pivotal building forming a fan like shape.

The parking arrangement is again set to the rear of the buildings in a circular fashion to positively relate to the site context and tree arrangements.

Access to the site is retained in the previously approved position with a route for service vehicles. Entrance to the car park is made past the delivery entrance and turning head into an axial arrangement around the proposal buildings.

The application proposal includes a design and access statement, transport assessment, landscaping and tree reports and assessments and management plan, ecological baseline survey, noise survey and flood risk assessment.

Members will note that this is a major application and is being presented to you at this time to enable sufficient time period to refer to the GOWM.

Relevant Policies

WMSS	PA1, PA6, QE1, QE2, QE3, T1, T3, T7
WCSP	SD.1, SD.2, SD.3, SD.4, CTC.1, CTC.5, D.26, D.28, D.38, D.39, T.1, RST.2
BDLP	DS2, DS13, C5, C17, C18, E9, TR11, RAT12
Others	PPS1, PPG2, PPS4 PPS7, PPS9, PPG13

Relevant Planning History

B/1999/1017	Change of use of farm building to office complex - Granted.
B/2003/0624	Office re-development - Granted 20.01.2005 (includes revocation of B/1999/1017).

Notes

Historical Background

Barnsley Hall hospital was built on farmland which incorporated Barnsley Hall. It is evident the first patients at the hospital were employed / occupied within the complex, which included the farm and land.

I understand the hospital complex was built around 1900 and the farm and associated buildings were developed and extended which enabled the complex to become virtually self sufficient during the 1950's and 1960's and the farm itself was run entirely with patient labour.

After 1960, the requirement for accommodating people on the site ceased and the large house became a half-way house in line with the changing National Health care policy. The better patients were trained to carry out day-to-day tasks on their own to prepare them for discharge from the hospital back to the community and the main farmed house undertook this use for well over 30 years.

Dramatically, this use came to an end when a fire caused extensive damage. This was not the only change along with another fundamental change in mental health policy and the construction of the motorway in 1970's. The farm was subsequently let off as a tenant farm, which still applies to the 300 acres even today.

Members will note the former Barnsley Hall Hospital site gained outline planning permission under Plan Ref. B/1998/0799 on 16.11.1998. This permission was revoked in favour of the replacement office building as a single format building under reference B2003/0624. This application has not been implemented as, I understand, there has been difficulty to find an end-user of one building, as there have been wholesale changes in demand for sizes and types of office buildings, hence the reason behind this variation of the proposal.

PPG2 - Major Developed Site in the Greenbelt

Members will note Annex C of PPG2 advises that Green Belts can contain major developed sites such as factories, education facilities and hospitals, etc. If a major site is identified for the for the purposes of Annex C of PPG2 in the adopted Local Plan then redevelopment which meets certain criteria is not inappropriate but remains subject to the development control policies for Green Belts.

Annex C of PPG2 (Redevelopment) states that, whether they are redundant or in continuing use, the complete or partial redevelopment of major developed sites may offer the opportunity for environmental improvement without adding to their impact on the openness of the Green Belt and the purposes of including land within it provided the proposals:

- have no greater impact than the existing development on the openness of the Green Belt;
- contribute to the achievement of the objectives for use of land in the Green Belt;
- not exceed the height of existing buildings;
- not occupy a larger area of the site than the existing building.

In consideration of this particular scheme and the criteria laid down in Annex C of PPG2, the floor area of the buildings should not exceed the existing buildings. The proposal involves the demolition of all of the farm buildings and a single replacement office complex. It appears the original footprint of the buildings on site total 1,704m² and the previously approved scheme achieved a floor area of 1,796m² which was slightly over the original. The scheme equates to a footprint of 1,703m² which is just less than the buildings it replaces. Whilst I note the concern expressed by the Strategic Planning Manager, it appears the scheme does, in fact, reduce the footprint of the building on this site.

The applicant's agent has indicated an awareness of the requirements of Annex C within a formal planning statement providing evidence in respect to the relative heights of the existing, the extant permission and this current proposal which, again, appears to evidence an overall reduction in height compared to the previously extant permission. On balance, I consider the scheme would not materially affect the criteria laid down in Annex C of PPG2 and the development would fall within the permitted categories.

The original farm complex of buildings had a total footprint of 1,704m². The previously revoked consent equated to 1,796m² (B/1999/1017) and the footprint of the application currently live is 1,703m². Whilst the area of the proposal now covers a wider area 1,740m², the height of the buildings have been reduced to a two storey configuration. The reduction of the bulk in terms of height in this instance is considered advantageous in this Green Belt context, although I appreciate the footprint does increase; however, the positive impact of the reduction in the overall height of the buildings is considered, in this instance, acceptable.

Design

The applicant has provided a full design statement with the submitted scheme. The applicant has sought a revised design than the previously consented scheme. The main

driver behind this change is due to the need to reflect the changing market and the marketability of the site to end-users. The applicant's agent has indicated that the design solution attempts to achieve certain objectives required for today's business use. Firstly to provide the space required for today's business users demand and sensitive to response to the Green Belt locality.

The applicant sought a modern scheme under reference B/2003/0624 which was clearly not a pastiche of the existing barns. The scheme was for one building incorporating the use of modern materials and which reflected the environment to which the building was sited. The use of cedar and lightweight rendered panels expressed on the main elevations.

This scheme differs by the breaking up of one building / unit to one axis building and 5 smaller units radiating out from them. The buildings proposed are two storey with spaces between. This affords views into the site and thus aids visual permeability to the site, with views to the trees within the site.

I consider the scheme has now positively evolved and is more subtle although retaining a strong modern flavour. A strong horizontal emphasis is maintained through the buildings although each having a separate identity. Glazing forms the majority of elevations facing the motorways with a natural feel, with timber detailing to the wooded facing elevation which is the access point to each building.

Although there are a number of units in the development, the services and circulation spaces are located towards the central part of the buildings with the parking picking up on the radial theme and forming a circle around the buildings. The parking layout is more coherent than the previously approved scheme.

As noted previously, the land slopes away to the motorway and, due to this, the reduction in the overall height of the buildings visually reduces bulk along with the curved emphasis which contrasts depending upon from which angle the buildings are viewed. The buildings are to be set back into the slope of the land.

Access/parking provision

Access to the site is as per the previous consent, which is just north of the M42 junction off the A38. As part of the proposal, a vehicle refuge and turning point into the site and pedestrian access point are proposed in the same location as the previous application. The parking has been clearly defined within this application and picks up on the radial design with the parking still behind the main curve of the buildings. The main access point also has a place for delivery and refuse vehicles visiting the site.

A full transport statement and draft travel plan has also been included in the submission. These statements deal with accessibility and sustainability of the site. It is noted that secure cycle parking is also included on the layout. 174 parking spaces have been provided with 162 standard parking spaces and 12 special needs parking spaces. Members will note that the provision is well within the Council's own guidelines.

The Highways Agency have commented on the scheme and comments are awaited from the WCC(HP); however, I am satisfied that the scheme is not greater in scale than the

previously consented application and I find the proposal would accord with policy T.1 of the WCSP, policy TR11 of the BDLP and the guidance contained in PPG13.

Tree / Landscape Issues

Members may be aware the site is covered by an extensive TPO and the Tree Officer has visited the site. The landscape architects have produced both a detailed tree survey and landscape appraisal for the proposal. The Tree Officer has verbally indicated that he is satisfied with the scheme subject to the standard tree conditions being imposed. He is mindful of the previously approved consent and the difference between the schemes.

Ecology

A phase 1 ecological survey has been provided in terms of this proposal in light of the revised guidance in PPS9. The report has highlighted a number of factors and has suggested suitable mitigation for any protected species although it is noted that as the buildings have been removed / vandalised that the likelihood of bats roosting is limited. However, the developer is clearly aware of the obligations for any protected species. I consider that suitable conditions may be placed on the site in order to ensure that adequate protection is maintained.

Drainage

The site slopes towards the motorway and is not within a defined flood zone as identified by the Environment Agency. The developer has proposed permeable drainage from the car park areas and the introduction of a pool or SUDS system. This would provide both adequate drainage from the site, and some ecological benefit from the scheme in terms of a water habitat. The drainage engineer has suggested that the use of SUDS is acceptable and has suggested conditions.

Footpaths

Both the Public Rights Of Way section at the County Council and the Ramblers Association have been consulted on this application. Members may be aware that there are, in fact, two public footpaths which are within the wider development site (footpaths 153 and 155) and pedestrian safety would have to be a major consideration in terms of the increase of activity from the site.

These footpaths run around the periphery to the site and would not be affected by the proposal when constructed; however, the developer would need to be aware of the obligations when the site is under construction to ensure that the routes are not obstructed and there would be no adverse pedestrian safety issues. Given the above, I find the proposal would be acceptable in terms of policy and may be adequately controlled by the imposition of conditions.

Other Issues

Members may note the previous application under reference B/2003/0624 was approved. This scheme included the clearance of any of the remaining buildings from the site and the construction of one office building. It is important to note that if this application

proposal was considered acceptable, parts of the previous scheme B/2003/0624 could also be implemented and, if this situation arose, it would have a detrimental impact on the openness of this Green Belt location, in my opinion.

Whilst I appreciate it is not the applicant's intention to undertake this work, they have indicated that they would be prepared to revoke the previous scheme upon a positive outcome for this proposal. This may be adequately achieved through a legal agreement.

Conclusion

The application has been assessed against the advice contained within PPG2 'Greenbelt', in particular Annex C. The application site has been considered as a major developed site in the Green Belt. I find the details submitted acceptable in terms of the adopted policy guidance available. The scheme has more merit than the previous application in terms of new guidance applicable.

Members will appreciate, however, the proposal is still a departure from the development plan and has been advertised as such; in my opinion, the application is not of particular regional significance or raise any unusual development control issues and would not seriously prejudice the implementation of the development plan policies or proposals.

RECOMMENDATION: that **DELEGATED POWERS** are granted to the Head of Planning and Environment Services to determine the application (minded to approve) subject to any suitable conditions which are required to be imposed, subject to the revocation of previous consent B/2003/0624 and the Government Office not wishing to call-in the application under the "Departure" procedure.