

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. Richards 'A'	Change of use to approximately 4,510 sq. m. class B1A and B1C, new access and associated works (renewal of permission B/2005/0352 approved 22.07.2005) - Wildmoor Mill Farm, Mill Lane, Wildmoor, Bromsgrove, B61 0BX	GB	09/0985-JT 18.02.2010

RECOMMENDATION: that permission be **GRANTED**.

Consultations

Worcestershire Highways Consulted: 20.01.2010. Final response received: 04.03.2010
No objections subject to the imposition of the same highway conditions attached to permission B/2005/0352.

Notes that due to ongoing discussions regarding the s278 agreement for off site highway works, the applicant may need to amend the highway design. This may differ to the extent that a separate planning application will be required.

Natural England Consulted: 20.01.2010. Final response received: 10.02.2010.

No objection to the proposed development subject to the proposal being carried out in strict accordance with the details of the application. To proposed will not have a significant effect on the interest features of the Madeley Heath Pit and Feckenham Forest SSSIs.

Public Rights of Way No objection in relation to protected species as unaware of presence of legally protected species at the site.
Consulted: 20.01.2010. No comments received.

It is noted that no objections were raised in relation to the previous application for the same proposals on the basis that the proposals would not adversely affect the line of the footpath.

Environment Agency Consulted: 20.01.2010. Final response received: 01.03.2010.

No objections to the proposals. The following comments are made.

Proposed site is located within Flood Zone 1 (low probability). From a visual site inspection, satisfied that the buildings are sufficiently elevated and clearly fall outside the floodplain of the ordinary watercourse running to the east of the site.

However, the proposed access crosses the ordinary watercourse, which is located within Flood Zone 3 (high probability). No objection is raised to the proposed crossing given the size of the watercourse and the surrounding land use. Flood Defence consent under section 23 of the

Land Drainage Act 1991 is not required for open span bridges on ordinary watercourses.

Satisfied with foul drainage for discharge proposals (Klargester unit with discharge via perforated outfall drainage, provided in trenches) subject to separate discharge consent being granted.

Recommends an interceptor is included within the surface water drainage prior to discharge to ground or surface water, due to amount of parking provided. This would protect controlled waters in the event of oil spillage from the hardstanding.

Any disposal of waste from the site during the demolition phase should be disposed of via an authorised waste carrier to an appropriately licensed site.

Ramblers
Association

Consulted: 20.01.2010. Final response received: 03.02.2010.

A response has been received from the Monarch's Way Association. (NB. The Monarch's Way is a nationally promoted 615 mile long distance footpath which follows the escape of King Charles II after his defeat at the Battle of Worcester in 1651.)

The Monarch's Way (no. FP 544) is adjacent to the site. There will be a direct impact on the public footpath and an increased risk to pedestrians. An increase in traffic on an acute bend in the highway will pose an increased traffic hazard.

Draws the Council's attention to the duty to consider public rights of way in making planning decisions as set out in DEFRA Rights of Way Circular (01/09), PPG7, PPG13 and PPG17. (NB. PPG7 was replaced by PPS7 in 2004. The latter no longer makes reference to public rights of way.)

West Mercia
Police

Consulted: 20.01.2010. Final response received: 04.02.2010.

No objections to the application. Due to the location, security measures should be seriously considered. This should include perimeter security, doors should conform to LPS 1175 and consideration should be given to the installation of security grilles or shutters inside the windows.

Building
Control

Consulted: 20.01.2010. No response received.

Commented on the previous application that the structural report submitted reasonably reflects the condition of the buildings. Of the buildings to be retained and converted, the scheme would not appear to require major reconstruction.

Engineers /
Drainage

Consulted: 20.01.2010. Final response received: 03.02.2010.

No objections subject to imposition of previous conditions.

Also condition requiring that surface water disposal methods are re-established for all hardstanding areas and structures - details required.

	The access road requires a controlled storm water run-off. Adjacent land and highway suffer from surface water holding and not draining away. Adjacent water course has limited capacity.
Environmental Health	Consulted: 20.01.2010. Final response received: 24.02.2010.
Commercial Regulation	No objections subject to imposition of previous conditions. Consulted: 20.01.2010. Final response received: 12.01.2010.
Belbroughton Parish Council	No objection to the application. Consulted: 20.01.2010. No response received.
Publicity	It is noted that the PC objected to the previous application on the following basis: "not change of use but re-development in a fashion unacceptable in a Green Belt area. Buildings proposed were felt to be unremittingly ugly." Site Notice posted 28.01.2009; expired 18.02.2010. Press Notice (Bromsgrove Standard): 28.01.2010; expired 18.02.2010. 1 objection received on the basis that the complex would be turned into a sizeable industrial site within the Green Belt, and traffic would be increased which would impact on local rural roads.

The site and its surroundings

The application relates to a site with an area of approximately 1.63 ha. located on the north side of Mill Lane, Wildmoor. The site accommodates a number of single storey former pig sheds and associated equipment. The site is bounded to the north, west and east by agricultural land. According to the applicant's statement, pig farming at the site ceased in 1999.

The area encompassed by the application red line plan includes the majority of the buildings on the former farm, as well as a limb of land stretching eastward towards a bend in Mill Lane. A stream runs in a north-south direction to the east of the main site and subtends this limb. An overgrown track runs from a gated access on the bend back towards the agricultural buildings.

Proposal

The application is for an extension of time for a permission granted in July 2005 for 'change of use to approximately 4,510 sq. m. class B1(a) and B1(c), new access and associated works' (ref: B/2005/0352). Condition 1 of this permission requires that the development must be begun not later than five years after the grant of permission, meaning that the application expires on 21st July 2010.

The development allowed by this permission is for the reuse of existing buildings for 1804 sq. m. of office (Class B1(a)) and 2706 sq m light industrial (Class B1(c)) uses. The proposals include an improved access to Mill Lane on the line of the existing track, and the provision of 138 car parking spaces.

Off site highway improvements (not forming part of the application) are also proposed, including a passing bay further east on Mill Lane, and alterations to the junction of Mill Lane and Third Road to the west of the site. These are longstanding commitments dating back to previous planning applications (see below).

Relevant Planning History

The site has a long planning application history. The most relevant applications are as follows:

- B/1991/0093 Erection of slurry weeping wall and storage tank. Approved 11.03.1991.
B/1991/0463 Steel framed side extension to existing mill / mix storage building.
Refused 07.10.1991.
B/1994/0626 Construction of extension for processing pig feed, installation of weighbridge and replacement building to create canteen and improved staff facilities. Approved 10.10.1994.
B/2001/0379 Change of use of redundant pig units into approx. 6220 sq. m. of use class B1(c) and B8 units together with ancillary work including a new access. Approved 29.10.2001.
B/2005/0352 Change of use to approximately 4,510 sq. m. class B1A and B1C, new access and associated works. Approved July 2005.

Relevant Policies

- WMSS QE1, QE2, QE3, QE6, PA14, PA15
WCSP CTC.1, CTC.8, D.16, D.19, D.24, D.29, D.38, D.39, D.43, SD.2, SD.3, SD.4, T.1
BDLP C4, C27, C31, C32, DS2, DS13, E9, ES1, ES2, ES4, TR1, TR8, TR11
Others PPS1, PPG2, PPS4, PPS7, PPG13, PPS23, SPG4

Notes

In 2004 section 73 of the Town and Country Planning Act 1990 Act was amended so that an application to vary conditions could no longer be used to extend the time limit for implementation of a permission. Section 91 was also amended, to reduce from five to three years the default time limit imposed on the implementation of planning permissions.

However, the Government has recently expressed a concern that there has recently been a marked reduction in the implementation of schemes that already have planning permission, and that if these schemes lapse, economic recovery could be delayed.

The Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 now enables existing planning permissions to be replaced before they expire, in order to allow a longer period for implementation. The Explanatory Memorandum issued with the Order explains that the previous planning permission will not be revoked, rather a new permission granted subject to a new time limit.

The Government is yet to issue formal guidance on how such applications for extension of time are to be determined. However, DCLG advice is that the guidance given in the

June 2009 *Greater Flexibility for Planning Permissions* consultation is to be used in the interim.

This guidance states that:

"applicants cannot under this provision seek to make any changes to the terms of the planning permission as granted other than an extension of the time allowed for implementation. While the outcome of a successful application will be a new permission with a new time limit attached, the description of the development and all other conditions must remain the same." (Para. 15)

In relation to the approach that local planning authorities should take on such applications, it is advised that:

"In current circumstances, local planning authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date ... Local planning authorities should, in making their decisions, focus their attention on national and development plan policies and other material considerations which may have changed significantly since the original grant of permission ... Local planning authorities may refuse applications to extend the time limit for permissions changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably or if they consider that this is not an appropriate procedure." (Paras. 17 and 19)

The advice is therefore clear in determining that, unless anything has changed significantly in national or development plan policy, an application to extend the time for the implementation of a permission should be looked upon favourably.

Changes to development plan policy and national guidance

It is noted that the current Worcestershire County Structure Plan (WCSP) was adopted in June 2001 and the Bromsgrove District Local Plan (BDLP) in January 2004, both pre-dating the decision on the 2005 permission. Although both plans have expired, the Secretary of State has allowed the majority of policies in each document to be saved and extended.

The following policies applied to the 2005 proposals have not been extended:

- Worcestershire County Structure Plan policies SD.6 (location of development in urban areas), D.20 (employment land portfolio) and D.30 (farm diversification).
- Bromsgrove District Local Plan policy DS6 (locations in the Green Belt).

Although the West Midlands Spatial Strategy (WMSS) was revised in January 2008, no policy applied to the 2005 proposals has changed, and nor has national guidance in the form of PPS1, PPG2 and PPG13. PPG4 and elements of PPS7 were replaced by PPS4 in December 2009. Specifically, three of the four policy objectives set out in PPS7 have been deleted. These are to: i) raise the quality of life and the environment in rural areas through the promotion of sustainable rural communities; ii) promote more sustainable

patterns of development; and iii) promote the development of the English regions by improving their economic performance so that all are able to reach their full potential.

These are replaced by PPS4 policy EC6 (planning for economic development in rural areas). It requires local planning authorities to ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all. In rural areas, local planning authorities should specifically:

- a) strictly control economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans;
- b) identify local service centres (which might be a country town, a single large village or a group of villages) and locate most new development in or on the edge of existing settlements where employment, housing (including affordable housing), services and other facilities can be provided close together;
- c) support the conversion and re-use of appropriately located and suitably constructed existing buildings in the countryside (particularly those adjacent or closely related to towns or villages) for economic development;
- d) set out the permissible scale of replacement buildings and circumstances where replacement of buildings would not be acceptable;
- e) seek to remedy any identified deficiencies in local shopping and other facilities to serve people's day-to-day needs and help address social exclusion;
- f) set out the criteria to be applied to planning applications for farm diversification, and support diversification for business purposes that are consistent in their scale and environmental impact with their rural location;
- g) where appropriate, support equine enterprises, providing for a range of suitably located recreational and leisure facilities and the needs of training and breeding businesses that maintain environmental quality and countryside character.

Assessment of issues

The main issues in determining the previous 2005 application (B/2005/0352) were:

- 1) Whether the proposed development is acceptable in terms of Green Belt policy;
- 2) Whether the proposed development would be acceptable in terms of the likely impact on the local environment and the amenities of local residences, in particular with regard to highways impact
- 3) Whether the benefits of the proposal in terms of assisting farm diversification and road junction improvements outweigh the disadvantages of the scheme.

Harm to the Green Belt

In considering the previous application, it was noted that Green Belt policy only defines the reuse of buildings as being appropriate where the proposed use would not materially harm the openness of the land. The application site includes not only buildings but also the hardstanding to allow for parking and servicing.

In determining the application, the Council was satisfied that the existing buildings shown to remain, as well as the existing screening to the site, would help to reduce the visual impact of additional activity (vehicle movements, etc.) on the site. Subject to the

imposition of conditions to prevent outside storage, it was concluded that the development would on balance not harm the openness of the Green Belt and that the proposals were acceptable in Green Belt terms.

The content and interpretation of national and local Green Belt policies has not changed substantively since the determination of the 2005 application, and officers therefore consider that there is no reason to depart from the Council's previous decision. The proposals are therefore considered acceptable in Green Belt terms.

Impact on the local environment and residential amenity

At the time the previous application was assessed, concerns were raised over the noise and traffic potentially generated by the proposals. It was determined that the impacts associated with Class B1 office and light industrial uses would not significantly harm the local area. It was also concluded that, subject to the delivery of proposed highway improvements and the imposition of relevant conditions that the highway implications raised by the proposals would not unacceptably affect the amenity of the local area or the highway network.

It is noted that the EHO and WCC highways have both raised no objections to the proposals subject to the imposition of the same conditions applied to the previous application. It is therefore concluded that the proposals would not have the local environment or residential amenity.

Benefits of the proposed development

The proposed works to the highway junction and other improvements were previously held to be an advantage to the application proposals. Significant weight was also attached to the encouragement given to farm diversification schemes as set out in PPS7, policy C31 of the BDLP and policy D.30 of the WCSP. The scheme was considered significantly less likely to give rise to impacts on local amenity and the local highway than the previously approved scheme (B/2001/0379, which allowed for 6,220 sq. m. of B1(c) and B8 storage / distribution uses).

It was acknowledged that the site, although close to the urban area is in a relatively rural location, inaccessible by public transport and poorly related to the Bromsgrove urban core. It was concluded that in broad sustainability terms, the site is a poor choice of location for an employment site. It was nevertheless concluded that the benefits of the proposal outweighed any harm caused.

BDLP policy C31 is still extant. WCSP policy D.30 has been deleted, but broadly mirrors the approach set out in C31. Much of PPS7 has been replaced by the new PPS4. However, officers consider that the approach to the rural economy has not changed to the extent to change the previous analysis of the application proposals. Particular mention is made in PPS4 of the need to support the conversion and re-use of existing buildings in the countryside for economic development, and farm diversification schemes where they are consistent in their scale and environmental impact with their rural location.

Conclusion

In conclusion, the changes to policy since the determination of the previous 2005 application should not fundamentally change the Council's approach to the scheme. It is therefore recommended that the application is approved subject to the imposition of similar conditions to those previously attached.

RECOMMENDATION: that permission be **GRANTED** subject the following conditions:

- 1) C001 Standard time - three years
- 2) Prior to the commencement of the development, details of the surface water drainage systems to serve the proposed uses shall be submitted and approved by the Local Planning Authority. The approved system shall be fully operational prior to the site being used for the approved purposes.

Reason: To reduce the risk of flooding and prevent pollution of the water environment in accordance with policies CTC.8 and CTC.9 of the Worcestershire County Structure Plan and policies ES1 and ES2 of the Bromsgrove Local Plan.

- 3) Prior to the commencement of the development, details of the proposed drive, including the bridge and surfacing specifications, shall be submitted to and approved by the Local Planning Authority. The access drive and bridge shall be constructed as approved prior to work commencing on site.

Reason: To reduce the risk of flooding and prevent pollution of the water environment in accordance with policies CTC.8 and CTC.9 of the Worcestershire County Structure Plan and policies ES1 and ES2 of the Bromsgrove Local Plan.

- 4) There shall be no raising of ground levels which would result in loss of flood storage in the floodplain of Battlefield Brook.

Reason: To reduce the risk of flooding and prevent pollution of the water environment in accordance with policies CTC.8 and CTC.9 of the Worcestershire County Structure Plan and policies ES1 and ES2 of the Bromsgrove Local Plan.

- 5) No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the treatment plant has been constructed and is operational.

Reason: To prevent pollution of the water environment in accordance policies CTC.8 and CTC.9 of the Worcestershire County Structure Plan and policies ES1 and ES2 of the Bromsgrove Local Plan.

- 6) Inspection manholes shall be provided and clearly identified on foul and surface water drainage systems, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To enable discharges from individual premises or buildings to be inspected and sampled, in accordance with policy CTC.9 of the Worcestershire County Structure Plan and policy ES4 of the Bromsgrove District Local Plan.

- 7) No materials or any items shall be stored externally on the site.

Reason: To preserve the openness of the Green Belt and in the interests of visual amenity in accordance with policies D.29, D.38 and D.39 of the Worcestershire County Structure Plan and policies DS2 and C27 of the Bromsgrove District Local Plan.

- 8) Prior to the commencement of development the buildings shown to be demolished on the approved plans shall be taken down and all resulting debris removed from the site.

Reason: To preserve the openness of the Green Belt and in the interests of visual amenity in accordance with policies D.29, D.38 and D.39 of the Worcestershire County Structure Plan and policies DS2 and C27 of the Bromsgrove District Local Plan.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no alterations other than those approved by the Local Planning Authority shall be made to the buildings remaining on the site.

Reason: To preserve the openness of the Green Belt and in the interests of visual amenity in accordance with policies D.29, D.38 and D.39 of the Worcestershire County Structure Plan and policies DS2 and C27 of the Bromsgrove District Local Plan.

- 10) No operations associated with the proposed uses including the arrival or departure and loading and unloading of vehicles, delivering or collecting materials or equipment shall be made outside the working hours of:

0730 - 1800 hours weekdays

0730 - 1300 hours Saturday

and no arrivals or departures allowed Sundays and Bank Holidays.

Prior to the commencement of the development commencing a sign shall be erected at the entrance of the site stating that the site will not be open for deliveries or collections outside the above hours. Details of this sign shall be submitted for the Local Planning Authority for approval.

Reason: To protect the amenities of the surrounding area and of nearby residences in accordance with policies DS13 and C27 of the Bromsgrove District Local Plan.

- 11) The proposed road works to the junction of Mill Lane and Wildmoor Road, as well as the provision of a new passing bay as shown in the submitted Preliminary Access Strategy, shall be carried out in full and in accordance with details

submitted to the Local Planning Authority for prior approval, before the proposed development commences.

Reason: In the interests of highway safety in accordance with policy D.29 of the Worcestershire County Structure Plan and policies C27 and DS13 of the Bromsgrove District Local Plan.

12) C010 - Trees - landscaping scheme

13) Within 12 months of the site first being used for the approved purposes trees / shrubs / hedges shall be planted on the land in such positions and of such species as may be agreed in writing with the Local Planning Authority. Any trees / shrubs / hedges removed, dying, being severely damaged or becoming seriously diseased within two years of planting shall be replaced by trees / shrubs / hedges of similar size and species to those originally required to be planted.

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

14) The development hereby approved shall not be brought into use until areas for the manoeuvring, parking, loading and unloading of vehicles has been laid out, consolidated, surfaced and drained in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and these areas shall thereafter be retained and kept available for those uses at all times.

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety in accordance with policies DS13, TR8 and TR11 of the Bromsgrove District Local Plan.

15) Development shall not begin until details of the junction improvement and passing bay have been submitted to and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic on the highway.

16) HC44 - Wheel Washing

17) Means of vehicular access for construction traffic to the development hereby approved shall be via Mill Lane, Wildmoor Road, Top Road and the A491 only.

Reason: In the interests of highway safety in accordance with policies DS13, TR8 and TR11 of the Bromsgrove District Local Plan.

18) Prior to the commencement of this development a detailed study shall be undertaken with respect to the Green Travel Plan and this report and its recommendations shall be submitted to and achieved in writing by the Local Planning Authority. The development shall then be implemented in accordance

with those agreed recommendations, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to achieve sustainable transport options in accordance with policies SD.4, SD.6 and T.1 of the Worcestershire County Structure Plan and policy DS13 of the Bromsgrove District Local Plan.

- 19) Prior to the commencement of the development hereby approved, a detailed plan confirming the use of each of the units hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The proportions of the buildings used for offices shall not exceed 1,804 sq. m. and the proportion used for light industrial use shall not exceed 2,706 sq. m. The proportions and locations shall be retained for the life of the development hereby approved unless otherwise agreed in writing with the Local Planning Authority.

Reason: As this proposal has been considered on the basis of this proportion of use and to change that proportion may lead to unforeseen adverse environmental impacts which may be contrary to policy D.29 of the Worcestershire County Structure Plan and policies DS13 and C27 of the Bromsgrove District Local Plan.

Informatives

- 1) HN1 - Mud on Highway
- 2) HN6 - Section 278 Agreement
- 3) HN7 - Section 38 Agreement Details
- 4) HN9 - No Drainage to Discharge to Highway
- 5) HN20 - Extraordinary Maintenance
- 6) West Mercia Police advises that, due to the site's location, security measures should be seriously considered, including perimeter security, doors should conform to LPS 1175 and consideration should be given to the installation of security grilles or shutters inside the windows.
- 7) Natural England advises that planning permission does not absolve the applicant from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences as described in Part IV B of Circular 06/2005: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System.
- 8) Depending on the final use of the building, the premises will be required to comply with Food Safety and Health and Safety legislation which is enforced by the Council. In this case the premises will be subject to routine inspection to assess compliance. Advice should therefore be sought from the Commercial Regulation Team on 01527 881434 at the earliest opportunity. If food is to be prepared or handled on the premises it is also a legal requirement that the premises be registered with the Council at least 28 days prior to opening the business.

- 9) It should be noted that the grant of planning permission does not authorise the obstruction or diversion of a public right of way.

Note

This decision has been taken having regard to the relevant policies within the West Midlands Spatial Strategy (WMSS) January 2008, the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan (BDLP) January 2004 and other material considerations as summarised below:

WMSS	QE1, QE2, QE3, QE6, PA14, PA15
WCSP	CTC.1, CTC.8, D.16, D.19, D.24, D.29, D.38, D.39, D.43, SD.2, SD.3, SD.4, T.1
BDLP	C4, C27, C31, C32, DS2, DS13, E9, ES1, ES2, ES4, TR1, TR8, TR11
Others	PPS1, PPG2, PPS4, PPS7, PPG13, PPS23, SPG4

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.