

# Report to Council

**13 June 2023**

<b>Subject:</b>	Proposed departure from the Development Plan At Forge Mill Farm, Forge Lane, West Bromwich B71 3SZ
<b>Director:</b>	Tony McGovern Director of Regeneration & Growth - Neighbourhoods
<b>Contact Officer:</b>	William Stevens Principal Planning Officer <a href="mailto:William_stevens@sandwell.gov.uk">William_stevens@sandwell.gov.uk</a>

## 1 Recommendations

- 1.1 That approval be given to an exception to the Development Plan in respect of planning application DC/23/67838 (Proposed Phase 1 - Conversion and change of use of existing barn 1 into cafeteria and natural play area, proposed single storey building containing support facilities (toilets, kitchen, lobby and draft lobby, classroom, stores and plantroom). Phase 2 - Proposed single storey education block containing 2 no. (30/40 students) classrooms and cloakroom area).

## 2 Reasons for Recommendations

The proposal is on land allocated as Green Belt land and as such any development is contrary to adopted Council policy. However, the proposed development serves the existing Forge Mill Farm with negligible Green Belt sprawl.



### 3 How does this deliver objectives of the Corporate Plan?

	A strong and inclusive economy
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### 4 Context and Key Issues

- 4.1 Following a site visit by Members in April 2023, Planning Committee granted conditional approval on the meeting held on the 10<sup>th</sup> May 2023, which considered planning application DC/23/67838 (Proposed Phase 1 - Conversion and change of use of existing barn 1 into cafeteria and natural play area, proposed single storey building containing support facilities (toilets, kitchen, lobby and draft lobby, classroom, stores and plantroom). Phase 2 - Proposed single storey education block containing 2 no. (30/40 students) classrooms and cloakroom area).
- 4.2 The application was publicised by site and press notice without response.
- 4.3 Whilst Planning Committee Members approved the application, now Council will need to approve the departure from the Development Plan before planning permission can be granted.
- 4.4 The site is currently a Green Belt allocation and the proposed development would infill a small section of the farm. It is necessary for the Council to consider whether or not to grant an exception to adopted policy to allow the application to proceed.
- 4.5 The purpose of this report is to discuss the 'departure' from the Development Plan only. It is not the role of Council to reconsider the wider planning merits of the application which have already been considered by Planning Committee.
- 4.6 The Council's Highways, Planning Policy, and Environmental Health teams have also been consulted on the proposal. No overall objections have been received from consultees which cannot be overcome by condition.



## 5 Alternative Options

- 5.1 Refusing the departure is an option, in doing so clear planning justification would have to be provided as any refusal of planning permission could result in an appeal and costs being awarded against the Council.

## 6 Implications

<b>Resources:</b>	The granting of exceptions to the Development Plan would not have any implications for the resources of the Council.
<b>Legal and Governance:</b>	The Planning Committee has delegated powers to determine planning applications within current Council policy. The decision to grant permission for this proposal would be contrary the Development Plan. Consequently, the Committee has referred the application to the Council to consider whether or not an exception to the development plan should be granted.
<b>Risk:</b>	None Relevant
<b>Equality:</b>	None Relevant
<b>Health and Wellbeing:</b>	None Relevant
<b>Social Value</b>	The proposal would create jobs
<b>Climate Change</b>	None Relevant

## 7 Appendices

None

## 8 Background Papers

Planning application reference DC/23/67838



# Report to Planning Committee

**10 May 2023**

<b>Application Reference</b>	DC/23/67838
<b>Application Received</b>	3 <sup>rd</sup> January 2023
<b>Application Description</b>	Proposed Phase 1 - Conversion and change of use of existing barn 1 into cafeteria and natural play area, proposed single storey building containing support facilities (toilets, kitchen, lobby and draft lobby, classroom, stores and plantroom). Phase 2 - Proposed single storey education block containing 2 no. (30/40 students) classrooms and cloakroom area.
<b>Application Address</b>	Forge Mill Farm, Forge Lane, West Bromwich, B71 3SZ
<b>Applicant</b>	Mr Matthew Huggins, Sandwell Council
<b>Ward</b>	Newton
<b>Contact Officer</b>	William Stevens <a href="mailto:William_Stevens@sandwell.gov.uk">William_Stevens@sandwell.gov.uk</a>

## 1 Recommendations

1.1 Subject to no adverse comments from the Head of Highways, and subject to ratification at Full Council, that planning permission is granted subject to conditions relating to:

- i) Drainage/SUDS details,
- ii) Car park management plan,



- iii) External materials,
- iv) Extraction equipment,
- v) Low Nox Boilers, and
- vi) Archaeological findings.

## 2 Reasons for Recommendations

2.1 Despite the proposal being within the Green Belt, the proposed development is a small part of the future wider redevelopment of Forge Mill Farm, bringing jobs and education facilities to Sandwell as well as recreation opportunities that can be used all year round.

## 3 How does this deliver objectives of the Corporate Plan?

	A strong and inclusive economy
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## 4 Context

4.1 Before your last Planning Committee, Members visited the site, but the determination of this application was deferred for additional information which has now mainly been received. Members will be verbally updated on outstanding issues.

4.2 To assist members with site context, a link to Google Maps is provided below:

[Forge Mill Farm, Forge Lane, West Bromwich](#)

## 5 Key Considerations

5.1 The site is within a Green Belt allocation.

5.2 The material planning considerations which are relevant to this application are: -



Government policy (NPPF)  
 Proposals in the Development Plan  
 Traffic generation

## 6. The Application Site

6.1 The application site is situated on the eastern side of Forge Lane and relates to Forge Mill Farm, within the Green Belt. To east is the River Tame, and to the south is Forge Mill Car Park, and further south is Swan Pool Car Park, and Sandwell Valley Sailing Club.

## 7. Planning History

7.1 The application site been used as some sort of education needs since 1983 (planning applications DD/16371 and DD/16372). In 1985, a toilet block and farm shop were approved (DD/19040).

7.2 Almost twenty years ago a steel framed hay barn and cattle shed was built (DC/04/42795) which was cladded in fire protection material in 2007 (DC/07/48384).

7.3 Relevant planning applications are as follows:

DC/17/60630	Proposed flood defence works (Phase 2 of the proposed Perry Barr and Witton flood risk management scheme) to include construction of a flood storage embankment, spillway, control building, cycle path and access track, fencing, CCTV and associated works.	Grant Permission Subject to Conditions  31/08/2017
DC/16/59398	Request for scoping opinion for the Forge Mill part of the proposed Perry Barr and Witton flood risk management scheme.	Scoping Opinion  17/05/2016



DC/16/59152	Proposed re-siting of open sided hay barn and cattle shed.	Withdrawn 23/02/2016
DC/07/48384	Proposed cladding as fire protection to existing fire-damaged hay barn.	Prior Approval is Required and Granted 21/09/2007
DC/04/42795	Construction of steel framed hay barn and cattle shed.	Grant Permission 20/09/2004
DD/00/36368	Construction of steel framed hay storage barn.	Grant Permission 14/04/2000
DD/19040	Toilet block and farm shop/ refreshments servery buildings for farm visitors	Deemed Approved 17/07/1985
DD/16372	Redevelopment of Forge Hill Farm into a Farm Interpretation Centre, based on dairy herd with educational facilities and public access.	Deemed Approved 03/10/1983
DD/16371	Conversion & adaption of Old Hill building into seminar/ class room/ exhibition space with access for school children and the public. (part of farm interpretation centre)	Deemed Approved 03/10/1983



## 8. Application Details

- 8.1 The applicant proposes to increase visitor numbers to the farm and provide a variety of activities on site. This proposal incorporates two phases, namely Phase 1 and 2.
- 8.2 Proposed Phase 1 includes the conversion and change of use of existing barn 1 into a cafeteria and natural play area, proposed single storey building containing support facilities (toilets, kitchen, lobby and draft lobby, classroom, stores and plantroom).
- 8.3 The conversion of the existing barn would be extended to include a natural play area.
- 8.4 The applicant has described the natural play area as:

*'Natural play' is a type of indoor play focused around experience, natural materials, organic spaces and themed areas that involve different play experiences from active play to role-play and everything in between. The principle is to bring the benefits of outdoor play inside to improve access to play opportunities all year round. Natural play is different to the commonly known 'soft play' in that it uses natural materials and incorporates concepts and themes specific to Forge Mill Farm to create more imaginative play rather than the over commercialised brightly coloured, padded plastics and vinyl, typically found in urban based play centres.*

*The natural play provision within the new facility will only be available to those visiting the farm and will not form a stand-alone visit ensuring that those accessing the facility will also be accessing the outdoors and the other experiences on offer at the farm.*



## 8.5 Examples of natural play





- 8.6 Proposed Phase 2 includes a new build classroom. The applicant has stated that the reason behind the new school classrooms is:

*To further meet the wider objectives of Forge Mill Farm ...the development of a new classroom structure in keeping with the rest of the farm to facilitate the education and outreach program in place at Forge Mill farm, Sandwell Valley Country Park and other green spaces within Sandwell. By 2028 the farm is aiming to host 500 school visits per year, however, currently it does not have any accessible or suitable facilities to safely and reliably accommodate for visiting students.*

*Work for phase 2 of the project will begin after phase 1 of the project is completed, open to the public and operating as planned.*

- 8.7 The proposal for both Phases 1 and 2, it is anticipated to create approximately nine new full-time jobs, and parking for visitors would be expected at the two car parks south of the site.



## 9. Publicity

- 9.1 The application has been publicised by site and press notice without response.

## 10. Consultee responses

### 10.1 Planning Policy

The proposal is a departure from the Development Plan as it is contrary to one or more provisions of the development plan.

The indoor play area and café, and classrooms raises issues under the NPPF and Adopted SAD DPD Green Belt policy as they are inappropriate development in the Green Belt. The indoor play area and café are also contrary to Centres policy, which aim to regenerate Sandwell's town centres.

### 10.2 Highways

Highways have requested further information and Members will be verbally updated at the meeting.

### 10.3 Canal and Rivers Trust

No comments to make.

### 10.4 Lead Local Flood Authority (LLFA)

Further information has been sent to the LLFA. Whilst they recommend that this is provided before the application is determined, this can be conditioned accordingly.

### 10.5 Severn Trent

Drainage plans required via condition of any approval.



## 10.6 Urban Design Officer

No objection, the proposal fits in with the current setting.

## 10.7 West Midlands Police

Has recommended CCTV and external lighting to aid security. Whilst not conditioned, if the applicant decided to improve the security of the site, the Council would look favourably on sensitively designed schemes.

## 10.8 Birmingham Wildlife Trust

No objections have been raised.

## 11. National Planning Policy

11.1 National Planning Policy Framework promotes sustainable development but states that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

11.2 Section 13 of the NPPF, in particular paragraph 137 states that *'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'*. In addition to this, paragraph 149 states that local planning authorities should regard construction of new buildings as inappropriate in the Green Belt. Exceptions which are relevant to this proposal and Sandwell are:

- a) Buildings for agriculture and forestry;
- b) The provision of appropriate facilities (in connection with the existing use of the land...) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including the land within it;



c) The extension or alteration of buildings, provided that it does not result in disproportionate additions over and above the size of the original building;

d), e) and f) are not applicable in this case)

And

g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) would:

- not have a greater impact on the openness of the Green Belt than the existing development;

The key starting point is whether these buildings would have detrimental effect on the openness of the Green Belt, in particular in terms of their size and location. Comparing the existing aerial photograph (Figure 1 overleaf) with what is proposed clearly shows the site has been significantly developed, and the proposed extension and new build, in particular the new classrooms would be situated on previously developed land and the extension to the barn is a modest single storey structure. Therefore, it is considered that the development itself, would not harm the openness of the Green Belt in this location.

Turning to the proposed uses, namely an indoor play area with ancillary café, toilets and an education facility. These uses clearly fall outside the definitions referred to above. Notwithstanding this, the ethos of this proposal is linked to encouraging children and young people to value agriculture and the outdoors within a learning environment. The play facilities as referred to in Paragraph 8.5 above shows that this facility will be aligned with natural play and learning about farming and agriculture. Again, the education facility will be integrated into an outdoor experience of the working farm. It is therefore considered that these uses, are very much aligned with the ethos of outdoor recreation and agricultural farming. In addition, it can align with other policy objectives, such as getting young people into the countryside, environmental and nature conservation education, healthy outdoor sports and recreation etc. In conclusion, it is considered that this justifies the proposed in terms of Green Belt policy.





Figure 1 – Aerial photo of the site in context to the wider Green Belt

11.5 Paragraph 87 of the NPPF states indoor play/leisure facilities should fall within 'Main Town Centres'. Therefore, if the proposals were considered purely as leisure uses in isolation of Forge Farm, it would be contrary to this policy. In my opinion the existing Farm and the proposed uses are not separate. Further discussion is set out within local policy (CEN4) in Section 12 below.



11.6 Paragraph 124 refers to good design, taking into account the views of the Council's Urban Design officer, I am of the opinion that the scheme is of a good design.

## 12. Local Planning Policy

12.1 The following policies of the council's Development Plan are relevant:

CEN4: Regeneration of Town Centre

ENV1: Nature Conservation

ENV5: Flood Risk

ENV8: Air Quality

SAD HE5: Archaeology & Development Proposals.

12.2 CEN4 is aligned with national policy in relation to leisure uses being located with Town Centres, this is to support their regeneration. As referred to above this proposal is a recreation use to support the activities associated with Forge Farm and the intended use of this play facility would be combined with a visit to the learn about the workings of the Farm and also re-enforced with the natural play facility that is proposed. To this effect, it is considered the use would not be contrary to CEN4 given the bespoke nature of the proposal.

12.3 ENV1: The proposal is in a Site of Importance for Nature Conservation (SINC) and a Local Nature Reserve (LNR) and a phase 1 ecology investigation had taken place. Members will be updated accordingly.

12.3 Under the Air Quality SPD & BCCS ENV8, any new parking spaces should provide 10% electric vehicle charge points (however no new parking is proposed in this scheme). If gas boilers are part of the development, they should be specified as low NOx types.

12.4 ENV5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island requires permeable paving /parking areas to reduce surface water run off rates. An interception method (i.e. swale) should be considered, and



as Forge Farm is locally listed, the Conservation Officer can advise on this aspect along with the LLFA should it be conditioned.

12.5 HE5, the proposal is in an Area of Potential Archaeological Importance and a condition informing the local planning authority of any discoveries on site will be attached to any approval.

### 13. Material Considerations

13.1 National and local planning policy considerations have been referred to above in Sections 11 and 12. With regards to the other material considerations, these are highlighted below:

#### 13.2 Access, highway safety, parking, servicing and traffic generation

Members will be verbally updated.

### 14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so. In my opinion the proposal is compliant with relevant polices and there are no material considerations that would justify refusal.

### 15 Implications

<b>Resources:</b>	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the Council.
<b>Legal and Governance:</b>	This application is submitted under the Town and Country Planning Act 1990.
<b>Risk:</b>	None.
<b>Equality:</b>	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.



<b>Health and Wellbeing:</b>	None.
<b>Social Value</b>	None.
<b>Climate Change</b>	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.

## 16. Appendices

Context Plan

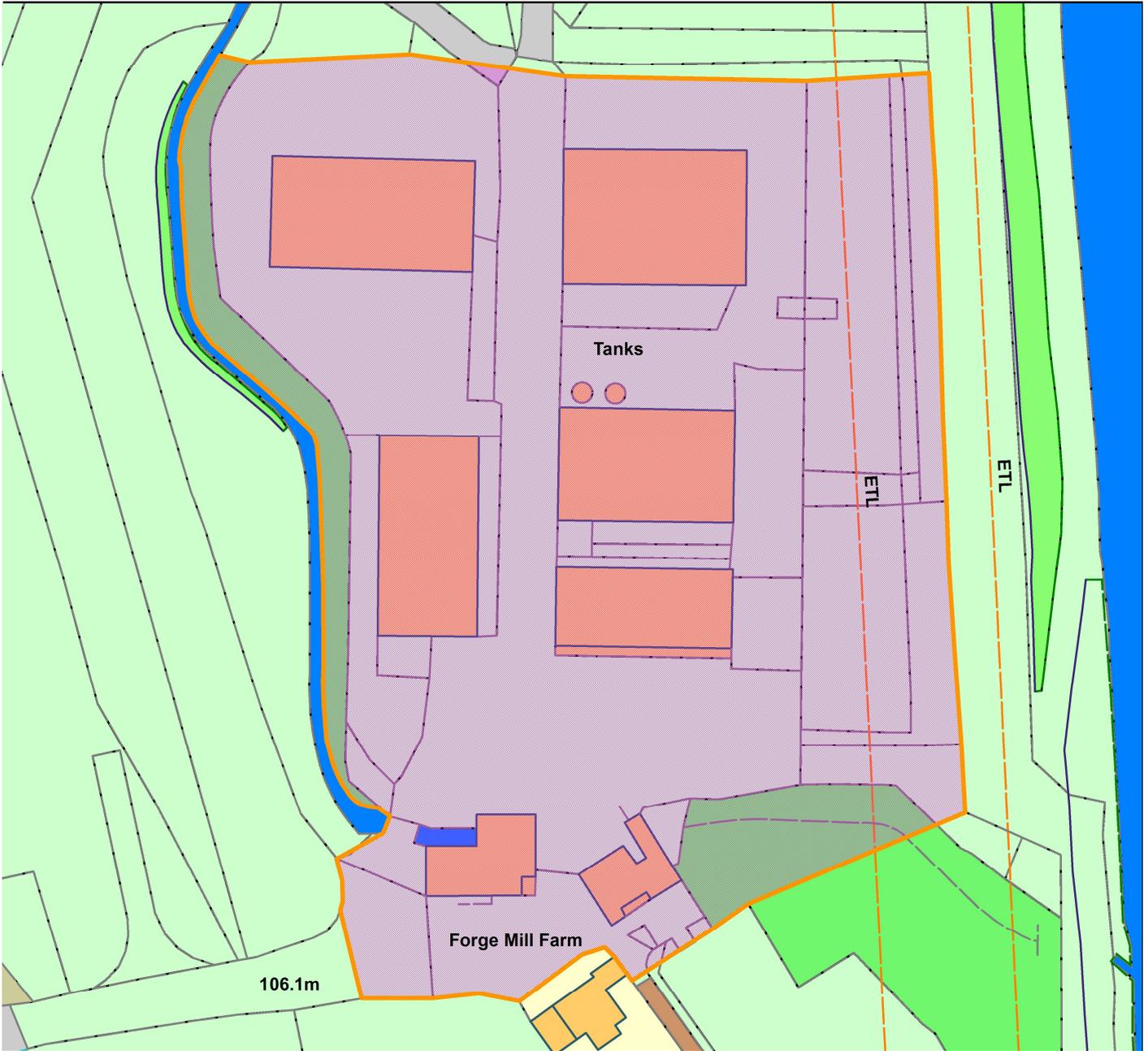
Site layout

Proposed elevations

Proposed floor plans



DC/23/67838  
Forge Mill Farm, West Bromwich



**Legend**



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