

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Dean Attwell Oakland International Ltd	Demolition of existing buildings to enable redevelopment as a B8 Storage and Distribution Facility, with associated landscaping works. Woodside Poultry Farm, Seafield Lane, Portway, Redditch, Worcestershire B98 9DD	02.10.2015	15/0361

RECOMMENDATION: That planning permission be Refused

The application was deferred from the previous Planning Committee Meeting on the 5th October to request further highways information so that Members could fully understand the highways impacts of the development. Members have been provided with the full Transport Assessment and updated information (dated 16th October) submitted by the applicant. The officers report has been updated and expanded to reflect all relevant circumstantial changes and additional submissions over the past month but the recommendation of refusal still remains.

Consultations

Campaign To Protect Rural England Consulted 04.08.2015

I note that this application results from an attempt to find a way around enforcement action in respect of the unlawful use of what ought to be agricultural buildings. It is evident that there has been a sort of creeping industrialisation of the area, as poultry rearing and processing facilities have been turned into warehouses and repacking stations. All these buildings are inimical to the openness of the Green Belt.

Our preference would be to have at least some of these buildings cleared and the ground where they are restored to arable or pasture. If this could be achieved in respect of one group of buildings by granting planning permission to rebuild another, it might be a price worth paying. On the other hand, it is better if buildings are clustered, as farmsteads commonly are, rather than scattered across the landscape as they are in the Portway area. Possibly the better solution might be to allow the rebuilding of the buildings whose present use is unlawful on condition that the application site is cleared and brought back into cultivation.

The applicant has undertaken a search for alternative premises. Certainly none are available immediately adjacent to the applicant's existing facilities, but that should be obvious:

- o Sites of around 25-28,000 sq ft are routinely dismissed as providing no space for expansion.
- o Conversely, larger sites (such as at Cofton Centre) are dismissed as being too big and that the applicant does not want to pay for space it will not immediately use. It has not (apparently) explored the possibility of taking over part of the building, leaving

the owner to let the rest separately, or the possibility of taking the whole and subletting the rest.

- o New build sites are dismissed as financially unviable. On the other hand the application here is for a new building: this is a contradictory position for the applicant to take.
- o Several are rejected as not being tall enough for the applicant's ambitions.

It strikes me that the applicant has merely gone through the motions of a site search, having decided (possibly in advance) to find some objection to every alternative option. They do not seem to have considered the possibility of relocating their whole business to new premises or restructuring the way they operate so that each site could be a free-standing business that did not depend on the other.

The proposal is to replace buildings about 7 metres high (equivalent to a two-storey house) with ones about 11 metres high. This is a significant intensification, despite the footprint being little changed from the existing buildings. A taller building must inevitably have a greater impact on the openness of the Green Belt than a smaller one. NPPF also places value on the openness of the countryside generally. For all that the area is infested with poultry sheds and former ones; it is still open countryside and should remain such.

When the applicant moved to the present site, it knew that it was taking on a site in the Green Belt and that there are severe restrictions on what development can take place. The fact that they cannot expand is no reason for allowing this development (or any other in the Green Belt).

The Minister has made it plain that an unfulfilled need on its own is not a ground for granting planning consent in the Green Belt. The immediate context of his statement may have been housing, need but this is of general application. We do not think the applicant has established any very special circumstances as to why its development has to be at Portway, rather than (say) at Longbridge. The fact that they already own the land cannot be, not the fact that they have another party of their business on a nearby site: if that were a very special circumstance, any one carrying on business in the Green Belt could expand their business at will, thus driving a coach and horses through the principles for which the Green Belt exists.

Beoley Parish Council Consulted 03.07.2015

Beoley Parish Council formally objects to the planning application on the following grounds:-

1. Impact upon the Green Belt

The application site is within land which is designated part of the West Midlands Green Belt, the purpose of which is to maintain the openness of the countryside. Any development must therefore be seen to have a negative impact. Whilst it is accepted that the proposed development will replace existing buildings on a similar footprint, the proposed replacement building is significantly taller than the current buildings at almost 13 metres high. This will inevitably have a negative impact upon the openness of the land. Due to its height, the new building will be visible from surrounding roads (including

the A435), and also from a number of the public footpaths which cross land near to the site.

The Parish Council is firmly of the belief that if permission for this development is granted, it will be seen as a precedent for further development and expansion of the Oakland International site in Seafield Lane, and will lead to further applications being lodged for other parts of the site with the potential for an even greater effect upon the green belt and open countryside.

2. Increase in HGV traffic on local roads

The Parish Council has opposed previous planning applications lodged by Oakland International in respect of development across the wider site, and has argued with some justification that such development would lead to a significant increase in the amount of HGV traffic coming and going from the site. This has been supported by photographic evidence which in August 2010 captured a total of 240 HGV movements in and out of Oakland International's site in a single 24 hour period.

Even prior to the current application, local residents have observed significant numbers of HGVs queuing having to wait in lay-bys and on grass verges before being allowed access to the site. This is the case throughout the day and night, with local residents having their sleep disturbed by running engines, reversing sirens and headlights from lorries.

The main access to the application site is along Seafield lane, which is a single track road with several bays to allow vehicles to pass. There are no street lights along Seafield Lane and no footpath provision on either side of the Lane.

It is noted from the Transport Statement produced by Robert West, submitted with the application, that there will be an estimated increase in the number of daily trips to and from the site of 155 trips between the hours of 7.00am and 7.00pm. As mentioned above, Oakland International is a 24 hour operation, and therefore it can be assumed that the increase in the number of trips to and from the site is likely to be much higher than this.

When the figures from 2010 are added to the projected number of additional trips to and from the site, the conclusion is that more than 400 trips per day will be coming and going from the site, along a single track, unlit road within the green belt.

The local road network, and particularly Seafield Lane, is simply not suitable for the exiting amount of HGV traffic, let alone this increased level. The negative impact of this increase in traffic on the day to day lives of local residents in Beoley will be significant.

3. Noise, light and air pollution

If the proposed development is granted planning permission, it has already been observed (and indeed admitted by the applicants themselves) that this will significantly increase the amount of HGV traffic to and from the site. This will inevitably have a negative impact on noise levels in the village of Beoley and surrounding countryside and green belt land, with lorries parking up along the lanes within the settlement waiting to enter the site, often with their engines running. It can also be concluded that the

significant increase in HGV traffic will have a detrimental effect upon the air quality in the vicinity of the site.

In addition, the increase in overnight activity at the site will inevitably create further light pollution as the proposed development will require significant levels of lighting, quite apart from the light pollution caused by the lorries themselves driving along Seafeld Lane (which is currently unlit). Again, the pollution mentioned above will have a negative impact upon the residents of Beoley, particularly those living in close proximity to the site.

4. Summary

In conclusion, Beoley Parish Council strongly opposes the application for planning permission and would urge Bromsgrove District Council to refuse the application for the reasons given above.

Highways Department- Worcestershire County Council Consulted 03.07.2015

The applicant is proposing absolute minimum visibility splays. While it would be preferable to have seen splays in excess of the absolute minimum, given the accident data and background traffic flows I would not wish to raise an objection subject to conditions being attached to any approval.

Further detailed information has been submitted by the applicant regarding vehicle movements. Further comments are awaited by the Council's Highway Engineer. A written update will be provided for Members.

Aisling Nash County Archaeological Officer Consulted 03.07.2015

No objection

Worcester Regulatory Services- Contaminated Land Consulted 03.07.2015

No Comments Received To Date

Worcester Regulatory Services- Noise, Dust, Odour & Burning Consulted 03.07.2015

Following the submission of further detailed information by the applicant regarding vehicle movements, Worcestershire Regulatory Services have confirmed that they raise no objection subject to a condition limiting the hours of operation.

Economic Development & Regeneration Service Consulted 03.07.2015

Overall, NWEDR are supportive of sustaining economic activity and promoting economic growth within the North Worcestershire area. We do recognise, however, that in this instance there are competing issues and planning restrictions which make supporting economic development more difficult to achieve. However, we would urge you to consider the economic implications for the business if the application were not to be successful during your considerations of the scheme as a whole.

Landscape & Tree Officer Consulted 03.07.2015

No objection subject to conditions to protect trees and the submission of an arboricultural method statement and landscape scheme.

Drainage Engineers Internal Planning Consultation Consulted 03.07.2015

No objections subject to conditions regarding the submission of a drainage scheme and a SuDS management and a requirement that finished floor levels are no major alterations to floor levels.

Natural England Consulted 03.07.2015

No objection

Publicity

21 letters sent on the 3rd July 2015 (expired 24th July 2015)

2 identical site notices posted on the 14th July 2015 (expired 4th August 2015)

1 press notice published (Redditch Standard 10th July 2015 (expired 24th July 2015))

6 Letters have been received regarding the application. 2 letters of objection have been received and they highlight the following issues:

- This site is within the green belt. There are no special circumstances which can apply in this case;
- The employees are not local and are based in Redditch. This is where this operation should be based;
- The buildings are totally inappropriate;
- Seafield Lane is totally unsuitable for this traffic which will inevitably be increased;
- There are already too many HGVs using Seafield Lane. The downdraft from these vehicles can be quite considerable and dangerous at close quarters;
- Increased chance of serious accidents;
- Increased air pollution from HGVs;
- Over the past 30 years the area has become a downgraded industrial complex;
- Loss of countryside;
- Loss of sleep due to HGV movements all day every day;
- Loss of country walks;
- Destruction of grass verges;
- Devaluation of residential properties; and
- HGV traffic is much worse than indicated in application

3 letters of support have been received stating the following:

- Traffic levels are greatly reduced today when compared to the previous poultry rearing business and the road has been improved by the introduction of passing places;
- The Council should listen to the Government and take a pro-business approach;

- The woodside development will block out noise from the A435 and therefore be of benefit to the occupier of Woodside in the same way the extension to the cold store blocked out noise for the occupier of Brickholes Farm;
- HGV drivers are considerate in terms of their speed and engine use, especially at night;
- The current poultry sheds are unattractive, in a poor state of repair and attract rats;
- The replacement building is of high quality design and more attractive than the chicken sheds;
- The proposal covers approximately the same area as the chicken sheds and is lower in height than the silos;
- The proposed modern building with sound proofing would be better than the poultry sheds being brought back into use;
- The poultry sheds can no longer be used as battery cages are now banned and due to construction and design could not accommodate new systems of poultry farming and couldn't house other livestock due to design and ventilation; and
- It is not viable to convert the land back to pasture as it would not be profitable for 50 years

A further letter has been received making the following comments:

- The most recent Inspector was unfairly dismissive of Oakland's charitable work;
- The Oakland Foundation charity was set up by Oakland International and supports disadvantaged children in Redditch and Bromsgrove;
- The main areas of work for the foundation are health and nutrition, education and sport;
- The Foundation has supported the Redditch Food bank through the free provision of storage space, financial contributions and volunteering; and
- The 'Oakland Programme' has been developed with children from partner schools to deliver an enrichment programme to increase confidence through work shadowing, workshops, CV building and communication skills.

Relevant Policies

NPPF National Planning Policy Framework

Bromsgrove District Local Plan 2004 (BDLP):

DS2 Green Belt Development Criteria
 DS13 Sustainable Development
 C17 Retention of Existing Trees
 E9 Criteria for New Employment Development
 TR11 Access and Off-Street Parking

Relevant Planning History

09/0996 - Erection of replacement warehouse Approved 21/04/2010

The application related to a site covered by existing buildings in B8 use (see below). The application proposed the demolition of these buildings and replacement with a new B8 building which covered an additional 340sqm and increase in height of 3m.

On balance officers felt that there were very special circumstances to clearly outweigh the Green Belt harm in this instance. Officers attached greatest weight to the economic arguments put forward by the applicant.

10/0238 – Certificate of lawful use for B8 use Approved 16/04/2010

The applicant provided sufficient evidence to justify that former agricultural buildings covering approximately 4,700sqm had been used continually for 10 years in connection with the storage and distribution business. These buildings were subsequently demolished following the granting of permission 09/0996.

12/0445 – Extension to existing coldstore Approved on Appeal 12/09/2013

Planning permission was sought to extend an existing coldstore by 900sqm. The proposed extension had a maximum height of 10.1m. Officers considered the very special circumstances put forward but in light of the unauthorised development at Seafield Farm, it was felt that they did not outweigh the Green Belt harm.

In his appeal decision (APP/P1805/A/13/2196035) the Inspector attached great weight to the economic benefits of the scheme and the corporate social responsibility policy operated by the company and subsequently granted permission for the scheme.

2012/0249 – Enforcement Notice served 09/05/2013

In 2012 the Council discovered that substantial buildings had been erected without planning permission. The enforcement notice sought the removal of these buildings (chiller building and link building) from the Seafield Farm site. The buildings covered 2,587sqm of floor space.

The applicant appealed the Enforcement Notice (APP/P1805/C/13/2200098) and highlighted the economic benefits of the scheme. The Inspector concluded that the very special circumstances put forward did not outweigh the substantial Green Belt harm. The Inspector therefore upheld the Enforcement Notice with a variation and gave the appellant until the 28th October 2015 to comply with the notice.

15/0463 – Temporary planning permission to retain unlawful buildings 16/06/2015

Planning permission was sought to retain the unlawful buildings at Seafield Farm for a further year. Officers considered that this would amount to a repeat application and therefore declined to determine the application returning all documentation to the applicant.

The applicant then opted to submit an identical application directly to the Planning Inspectorate. The Inspectorate felt that the application undermined the outstanding Enforcement Notice and also declined to determine the application on the 7th October 2015. A full copy of this decision is attached to this report for information.

Assessment of Proposal

The Site and its Surroundings

The application site consists of a series of former poultry sheds that have been redundant for a number of years. The site is located outside of any defined settlement and shares an access off Seafield Lane with residential property, Woodside. An area of woodland is located to the west, parcels of agricultural land are located to the north and east of the site and the residential property, Woodside is located to the south of the site. This is a predominantly rural location with the exception of Oakland International, a storage and distribution firm that is located 200m north of the application site.

The Proposed Development

This application seeks to demolish the poultry sheds and erect a 3,480sqm storage and distribution facility. The intention is that it would replace the 2,587sqm of floor space provided by 'the link building' and 'the chiller building' that are subject of an Enforcement Notice on the Seafield Farm site that is also located on Seafield Lane.

The site would retain the existing access of Seafield Lane and also upgrade a private drive that would provide a direct link from the application site to the existing Oakland International complex.

Planning Considerations

The main issues to be considered in assessing the application are the following:

- i) Whether the proposal amounts to inappropriate development in the Green Belt
- ii) If inappropriate, do very special circumstances exist to clearly outweigh the Green Belt harm
- iii) Residential Amenity
- iv) Street Scene & Character Impact
- v) Access, Highways & Parking
- vi) Ecology; and
- vii) Landscape and Trees;

i) Green Belt

The application site is located entirely within the Green Belt. Paragraph 79 of the NPPF highlights that the Government attaches great importance to Green Belts and this is further emphasised within paragraph 88 which states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

Policies DS2 of the Bromsgrove District Local Plan and paragraph 89 of the NPPF set out the exceptions to inappropriate development. One of the exceptions listed is the partial or complete redevelopment of a previously developed site. However, agricultural buildings are excluded from the definition of previously developed land. It is therefore considered that the demolition of poultry sheds and the erection of a storage and distribution facility is considered to be an inappropriate form of development in the Green Belt. It is important

to note that this is not disputed by the applicant. The applicant will therefore need to demonstrate that there are very special circumstances to clearly outweigh the harm to the Green Belt.

In addition to harm by definition it is also necessary to consider whether the proposal causes harm to any of the 5 purposes of including land within the Green Belt.

Checking unrestricted sprawl:

It is considered that the proposal would lead to an element of sprawl into the wider countryside. Whilst a building is present on-site currently this is a typical agricultural building which is common place in rural areas. The proposed building is 5m higher and covers an additional 890sqm. This means that there would be an element of sprawl into the wider countryside.

Preventing neighbouring towns from merging:

The site is not close to any existing settlements and therefore the proposal would not result in the merging of any settlements.

Safeguarding the countryside from encroachment:

The land was formerly used for agricultural purposes. The proposed storage and distribution building is substantially larger than the existing poultry sheds. In addition the proposal means that the substantial storage and distribution business is spread out further along Seafield Lane which would have an urbanising effect on the Green Belt and create further development pressure on the fields between the existing and proposed units. The proposal by its nature, clearly results in substantial encroachment into the wider countryside.

Preserving the setting and special character of historic towns:

The application does not impact upon the setting or special character of any historic towns.

Assist in urban regeneration:

By definition the development of agricultural land outside of any defined settlements does not assist in urban regeneration. If development occurred, investment is potentially being drawn away from derelict sites within the Major Urban Area to develop this rural site.

Paragraph 79 of the NPPF highlights the essential characteristics of Green Belts are their openness and their permanence. The submitted Landscape and Visual Impact Assessment concludes that the proposal would not diminish the openness of the Green Belt. Clearly, a building that is larger than the one it replaces in terms of footprint and height, by definition has a greater impact on openness. The building is 5m higher and covers an additional 890sqm. It is noted that a substantial planting scheme is proposed as part of the development. Hiding the proposed development makes it no more acceptable in Green Belt terms. This is no doubt that a development of this scale has a substantial impact on openness and undermines the permanence of the Green Belt in this locality.

In summary, in addition to the harm by definition the proposed building causes harm to 3 of the purposes for including land within the designated Green Belt whilst also having a substantial impact on openness whilst undermining the permanence of the Green Belt in

this locality. It is therefore considered that the proposal causes very substantial harm to the Green Belt.

Whilst each application should be dealt on its own merits, it is important to distinguish this application from applications 09/0996 and 2012/0249. These applications were contained within the main Oakland complex and resulted in smaller additions above the existing B8 footprint. This application site is physically separate from the main complex and provides a total of 3,480sqm of floor space and is 12m high. This is considered to amount to a much greater level of Green Belt harm.

ii) Very Special Circumstances

Paragraph 87 highlights that inappropriate development should not be approved except in very special circumstances. Paragraph 88 emphasises that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

5 factors have been put forward by the applicant that he considers amounts very special circumstances. These can be summarised as follows:

1. Job creation and protection;
2. The lack of re-location options;
3. The Limited impact above the existing building;
4. Sustainable Development; and
5. The impact over and above the permitted use

Each of these circumstances will be addressed in turn below.

Job creation and protection

The primary purpose of the proposed building is to replace 'the chiller building' and 'link building' at the Seafield Farm site which are subject to an Enforcement Notice. Although an additional 893sqm of floor space is provided to allow some expansion of the business. The applicant highlights that jobs will be put at immediate risk if the business cannot either expand or relocate. In particular it is highlighted that many employees are local, meaning local jobs would be lost. The contraction of the business could also have indirect economic impacts such as reduced requirements for HGV drivers. Supply chain concerns have also been raised by the applicant impacting upon local producers. The loss of floor space could also mean that there is insufficient space to service existing clients causing direct harm to the business.

A confidential Site Relocation Analysis has been submitted by Oakland International which contains commercially sensitive data. This considers 5 possible future options for the business which can be summarised as follows:

- Full relocation to rented alternative premises;
- Relocation of discount retailer trade;
- Relocation of ambient goods trade;
- Full relocation to premises which are designed and built to Oakland's specification; and
- Full relocation to premises which are refurbished to Oakland's specification

The analysis concludes that due to the tight margins on which the business is run it is not financially viable for the business to be partially or fully relocated. The Council appointed specialist consultants to review this complex financial data. The Council's Consultants agree with Oakland International that relocation is not a financially viable option for Oakland International at the current time. Therefore jobs will be put at risk if alternative accommodation is not found to provide the floor space lost through compliance with the Enforcement Notice. Whilst any job losses are regrettable, such losses should be seen in the correct context. These are jobs that were created when the applicant decided to unlawfully expand the Oakland International business. These jobs were then put at risk when the Inspector decided to uphold the Enforcement Notice in 2014. Therefore the potential loss of jobs is not solely due to the determination of this application but the culmination of decisions taken in relation to the Seafield Farm Site.

Similar evidence was submitted to the Planning Inspectorate to justify the application for temporary planning permission to retain the buildings covered by the Enforcement Notice. When declining to determine the application the Inspectorate stated:

"I have taken into account the additional evidence submitted with the application, however I do not consider that this evidence is likely to successfully overcome the previous planning concerns such that it is sufficiently persuasive to exercise my discretion not to decline to determine the application in accordance with the clear legislative intent of s70C which is to prevent the delay of enforcement action by retrospective applications."

The fact that similar arguments have been put forward to justify both this application and the application for temporary permission needs careful consideration as this proposed building would effectively replace the floor space lost through compliance with the Enforcement Notice. Reaching a different conclusion on this case where greater Green Belt harm is caused would seem at odds with the recent decision by the Planning Inspectorate.

It is noted that a number of other appeal decisions have been highlighted where economic considerations have amounted to very circumstances to clearly outweigh Green Belt harm. Whilst it is acknowledged that such factors could amount to very special circumstances, it does not mean that this will be the case with every application. Whilst the proposal has economic benefits for both Oakland International and local employees, this needs to be balanced against the continued pressure on the Green Belt. When dismissing the appeal against the Enforcement Notice the Inspector highlighted:

"It seems to me that rather than being a keystone of the Company's success, it is more of a building block in an envisaged continuum of growth aimed at ensuring the success of the business will endure. Seen in this context, I find it difficult to conclude that the circumstances appertaining to the development are 'very special'. Indeed, I am inclined to agree with the Council, that the appellant's stance resembles what is termed the 'blank cheque approach' in Summers Poultry Products v SoSCLG and Stratford-on-Avon DC (2009) EWHC 533 (Admin) whereby the appellant is seeking to expand his business seemingly without regard to the limitations of its Green Belt location."

This same situation still applies today; as the applicant has made the Council aware that they are still intending to grow further and are considering additional warehouses in the Green Belt as the business continues to expand. Very similar economic arguments have been put forward in support of previous applications and are likely to be submitted again as the applicant seeks to continue to grow his business without regard to the Green Belt. It is important to emphasise that because economic arguments have been accepted by both the Inspectorate and the Council previously in relation to Oakland International it does not bind the Council to reaching the same conclusion in this case. As highlighted previously, a greater level of Green Belt harm has been identified in this case and any economic consequences are a result of the Oakland International's decision to erect unlawful buildings. It is therefore clear that there are substantial material differences in this case.

The lack of re-location options

Harris Lamb Property Consultancy have completed a Site Search Report on behalf of Oakland International. They identified 19 sites that broadly met the requirements of Oakland International however on further investigation none of the sites were deemed to be suitable. The applicant also highlights that it is not practical to operate the business from 2 sites.

Consultants have been employed by the Council to review the technical evidence submitted on this matter. The consultants raise concerns of the scoring matrix and the fact that the scoring matrix was not applied to the application site to provide a clear comparison. The consultants undertook an updated property search highlighting further potential sites that could be considered however due to the inadequate information provided by the applicant in relation to the requirements of the business this exercise could not be completed. They concluded that design and build schemes should be considered further in the future, particularly at the Redditch Eastern Gateway Employment site that falls within the administrative boundaries of Stratford and Bromsgrove. This is a substantial site which could fully meet the needs of the Oakland International, subject to financial viability, although it is not expected to be available on the open market until 2017. Whilst it is not entirely clear whether there are alternative sites at the current time, the Site Relocation Analysis highlights that any such move would not be financially viable currently therefore diminishing the relevance of this issue.

The Limited impact above the existing building

The applicant argues that the additional impact on the Green Belt is minimal and highlights that the new building is more attractive and better screened. Whilst the existing building is not attractive, it is a typical rural building. This is clearly not the case with the proposed storage unit which is substantially larger in terms of floor area and height and therefore materially causes harm to the openness of the Green Belt.

Sustainable Development

The applicant has highlighted the economic, social and environmental benefits of their development. As stated previously, the economic benefits relate to the protection of jobs. The environmental benefits highlighted include the ability of Oakland to meet existing contracts in the most sustainable manner and the reduction in road mileage and carbon emissions through the case consolidation process offered by Oakland International. These environmental gains must be weighed against the continued

expansion of a business into the Green Belt and the increase in the number of lorry movements in this rural environment.

The social benefits highlighted include training for local employees and providing time and resources to sponsoring charitable, sporting and educational events across the County. The applicant has also provided evidence of recent work supporting the Redditch Foodbank and has created a charity called the Oakland Trust both of which help local families in the greatest level of need. When considering the social benefits of Oakland International previous Inspectors have taken a different view on the weight that can be attached to this issue. When granting the extension to the cold store in 2013 (APP/P1805/A/13/2196035) the Inspector described Oakland's corporate social responsibility policy and community initiatives as "impressive" and went on to state:

"There could hardly be a better example of the sort of 'social role' envisaged in the Framework for the 'planning system' in delivering sustainable development."

In contrast, in his appeal decision regarding the Enforcement Notice (APP/P1805/C13/2200098) the Inspector commented:

"Commendable though Oakland's International's current approach may be, it seems to me that this is down to the particular manner in which the company is run at present rather any intrinsic attribute. Mindful that any permission would normally run with the land, it is not inconceivable that the way the business is managed in the future could change, in which case the possibility that less emphasis may be placed on social responsibility cannot be discounted"

In summary this Inspector felt little weight could be attached to the company's social responsibility. It is clear that previous Inspectors have taken a different view on the weight that can be attached to this issue. Officers are minded to agree with the most recent views expressed by the Planning Inspectorate as Oakland International's social responsibility policy could change tomorrow. It would therefore be unwise place undue weight on this matter.

The impact over and above the permitted use

The applicant highlights that the buildings can be brought back into an intensive poultry use with associated vehicle movements, noise and activity generally. However, this typical agricultural use would not involve HGV movements. It is important to note that if this application is not permitted and the Enforcement Notice at Seafeld Farm is complied with there would be fewer HGV movements than the current situation. Although, there is no evidence to suggest that there is any likelihood that the chicken sheds will be bought back into use or indeed meet current welfare and operating legislation.

Conclusion on Very Special Circumstances

In addition to the harm by definition, the proposal would result in unrestricted sprawl, encroachment and undermine urban regeneration objectives as well as materially harming the openness of the Green Belt. This is a very substantial level of harm to the function and purposes of the Green Belt. When considered individually or cumulatively it is not considered that the very special circumstances put forward by the applicant clearly outweigh this very substantial harm to Green Belt. Whilst the scheme does have economic benefits including the potential to protect current jobs and also that relocation

appears to be currently unviable these are not considered to be very special circumstances in this context. This is because Oakland International seeks to continually grow without regard to its Green Belt setting. It is of note that this application effectively seeks to provide the warehouse space that will be lost through the imposition of the Enforcement Notice, in what is an equally inappropriate and unacceptable location. The proposal is therefore contrary to Policy DS2 of the BDLP and paragraphs 79, 87, 88 and 89 of the NPPF.

iii) Residential Amenity

Policy E9 of the BDLP sets out a number of criteria for all applications for new employment development. Criteria e) emphasises that new employment development should have no undue environmental disturbance, by way of noise, vibration, dust, smell or significantly reduced day lighting to protect residential amenity.

The application site is located where there are only a small number of residential properties although there is a dwelling, Woodside that shares an access with the proposal and is sited directly in front of the proposed building. A further dwelling, Brickholes Farm is also located on the north side of Seafeld Lane, adjacent to the main Oakland complex.

The original transport statement was based on a typical B8 development of the size proposed. Now the applicant has used the number of vehicle movements that have occurred at the Seafeld Farm site over a 4 week period to determine the likely movements at the application site. This results in a maximum of 10 HGVs visiting the site every day and therefore a total of 20 vehicle movements. It had also been confirmed that all of these HGV movements would occur between 6am and 7pm. The applicant has also confirmed that all vehicles would enter and exit the site through the main entrance to the Oakland complex which is approximately 180m west of the Woodside entrance. No vehicles would therefore pass adjacent to the residential property, Woodside. The applicant has also confirmed that a 4m fence is no longer required and a 2m fence would suffice, which could be erected under permitted development. Based on the above information the amenity impact upon the occupiers of Woodside would be less severe than previously thought as there would be less vehicle movements that only occur during the day, no HGVs would pass the property and the 4m fence would not be required.

Worcestershire Regulatory Services (WRS) had previously raised concerns over noise levels. However, following the consideration of the additional information this objection has now been removed subject to a condition limiting the hours of operation.

On balance, it is not considered that the proposal will have a significant impact on the occupiers of adjacent residential properties in accordance criteria e) of Policy E9 of the BDLP and the NPPF.

iv) Street Scene & Character Impact

The proposed building is substantial in nature measuring 12m high and covering 3,436sqm. The building would replace existing poultry houses which are 7.14m high and cover 2,590sqm. The building is significantly larger, has a curved roof and has timber cladding on all elevations. The buildings to be replaced are wooden structures that have

been left vacant for a number of years and have no architectural merit. The proposed building is set back 90m from Seafield Lane which despite its size, would reduce its prominence.

On balance the design of the building is considered to be acceptable in accordance with the NPPF.

v) Access, Highways & Parking

Policy E9 of the BDLP sets out a number of criteria for all applications for new employment development. Criteria a), b) and c) address traffic generation, road construction details and loading, manoeuvring and parking.

As stated previously, the applicant has now confirmed that all vehicles would enter and exit the site via the main entrance to the Oakland International complex. Vehicles would then use an upgraded private road to access the new storage unit. The plans show 2 loading bays for HGVs.

The applicant has submitted a Transport Statement and a Travel Plan which has now been supplemented by a Trip Generation Technical Note which demonstrates fewer vehicle movements than previously predicted. The Council's Highway Engineer has not previously objected to the scheme. Although, The Council's Highway Engineer has noted that while it would be preferable for visibility splays to be in excess of the absolute minimum, given the accident data and background traffic flows he did not wish to raise an objection subject to conditions being attached to any approval.

Amended comments are awaited from the Highway Engineer in relation to the Trip generation Technical Note. A written update will be provided for Members.

Subject to further comments from the Council's Highway Engineer, the proposal is in accordance with Policy E9, TR8 of the BDLP, the adopted Local Transport Plan and paragraphs 32 and 35 of the NPPF.

vi) Ecology

The local authority has a duty to consider whether proposals will have an impact on protected species. The applicant has undertaken a Phase 1 habitat survey and Protected Species Survey Assessment and a Great Crested Newt Survey.

The survey considers a range of protected species and concludes that due to the fact that the site is dominated by buildings and hard standing there are no implications with regards to habitats. There were considered to be no potential for bats within the existing building and no great crested newts were found in a nearby pond.

In summary it is considered that subject to conditions the proposals would not have an adverse impact on ecology and the proposal therefore accords with paragraph 118 of the NPPF.

vii) Landscape and Trees

There are two mature Oak trees standing adjacent to the left side of the entrance to the site off Seafield Lane. The Council's Tree Officer envisages that the canopies on these trees will need to be lifted or lightly reduced and reshaped to avoid conflict with the drive and its usage. However, the level of work required would not have a detrimental effect on the health of the trees and only limited influence on their visual amenity value. The Tree Officer also acknowledges the work required to widen the remainder of the length of the access drive would have no influence on any trees of value.

There is a mature Oak tree standing to the left side on the very Southern edge of the existing concrete hard standing area. The proposal will provide this tree with a greater clearance to the new area of hard standing to surround the new building which will benefit this good quality feature tree.

The Western boundary of the site borders onto a section of mature native species broadleaf woodland. The canopies of some perimeter trees do overhang the site at a low level and the Tree Officer envisages that they would need to be lifted, however he is of the view this would not have a detrimental effect on the quality or health of the trees or woodland.

The Tree Officer notes that the Northern boundary is generally open allowing intermittent views of the A435 Portway. The proposal is to create an earth mound on this boundary to be planted with a 10-12 metre wide native woodland planting. He would be in favour of this planting scheme as it will provide additional screening of the site and enhance the habitat value of the site and area.

The Eastern most boundary of the site is defined by a line of very mixed but generally poor quality trees and sparse hedge line predominately Ash, Poplar and Hawthorn. The proposal appears to also create an earth mound and carry out woodland planting to this boundary. The Tree Officer would be in favour of this as it will provide additional screening of the site and enhance the habitat value of the site and area.

In conclusion Tree Officer raises no objection to the proposal subject to conditions. The proposal has no harmful impact on trees or the landscape and therefore accords with Policy C17 of the BDLP.

Conclusion

The proposal is considered acceptable in terms of its impact on trees, the street scene, residential amenity, highways and ecology. However the proposal amounts to an inappropriate form of development in the Green Belt. It is considered that very special circumstances do not exist to clearly outweigh the substantial harm to the Green Belt and in particular the proposal results in the dispersal of the business which has an urbanising effect on this rural locality.

RECOMMENDATION: That planning permission be Refused

Reasons for Refusal:

- 1) The proposed building does not fall within any of the categories of appropriate development specified at Policy DS2 of the Bromsgrove District Local Plan 2004 (BDLP) or at paragraph 89 of the National Planning Policy Framework 2012 (NPPF). Thus, the building constitutes an inappropriate form of development in the Green Belt which harms the Green Belt by reason of inappropriateness and harm to openness. No very special circumstances have been put forward or exist that would clearly outweigh the identified harm to the Green Belt. This is contrary to Policy DS2 of the BDLP and paragraphs 79, 80, 87, 88 and 89 of the NPPF.
- 2) Due to its siting and physical separation from the existing business, the proposal results in the unnecessary dispersal of a substantial B8 business in the Green Belt which has a harmful urbanising effect on the rural area and undermines the purposes of the Green Belt in this locality, particularly with regard to encroachment in the countryside, which is contrary to Policies DS2 and DS13 of the BDLP and the NPPF.

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