

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Green Clover Developments Ltd	Erection of five buildings for storage and distribution and associated hardstanding (retrospective) Oakland International Ltd, Seafield Lane, Beoley, Redditch, B98 9DB	05.03.2024	23/01346/FUL

RECOMMENDATION: That planning permission be **REFUSED**

Consultations

Beoley Parish Council

Comments summarised as follows:

Beoley Parish Council wish to strongly oppose this application for the following reason:

The development is contrary to Greenbelt policies and is not in a sustainable location. There is no public transport and the roads are not suitable for walking/ cycling to work, it is dangerous for those that try particularly as it is shift work 24/7, accident data should be evaluated.

The buildings represent inappropriate development in the Greenbelt. The buildings are described as temporary by the manufacturers and as such are of a poor quality design, there is no attempt for the design to be sympathetic to the rural location, there is not even any landscaping to reduce the impact. The buildings are clearly visible from a number of roads and footpaths, including the A435 which is a key route through the greenbelt, the poor design and negative impact on openness of the greenbelt is noticeable along with the inappropriate floodlighting. No analysis has been done on ecological damage of the buildings or floodlights. The buildings being temporary are not sustainable and will need to be disposed of at the end of their economic life, they are not connected to foul drainage, so there are no toilets or presumably handwashing facilities for employees, despite the application saying the buildings are used for food. There is no information supplied on the green credentials of the buildings, or if are they sustainable in terms of energy consumption, they do not appear to have building regulation approval according to the planning portal.

Flooding/ Surface Water/ Pollution - there is a significant issue with surface water on Seafield Lane since the buildings were erected, with the road often almost unpassable. There is a risk of contamination with the piles of manure stored next to the flood water and also effluent from toilets, as there is no mains drainage to Seafield Lane. Effluent from the 290 employees of Oakland as well as the 110,000 visitors to the farm park is disposed of in the immediate vicinity of the development.

Traffic Generation - Workers typically travel by car due to the unsustainable nature of the location. The high volume of lorries associated with Oaklands is not compatible with the local lanes, with the verges chewed up, litter and lorry drivers parking in the passing places and using the verges as toilets. The transport report associated with the application is not suitable as it uses data from 2015, since 2015 not only has Oaklands

grown by 23% using their own numbers, there is also the Attwell Farm Park development with 110,000 visitors per year visiting by car and the Forders Gym now open with c.160 cars arriving for events. There is also a new agricultural barn for the housing of cattle which is serviced by tractors removing muck and delivering forage, and a further building for the production of mushrooms under construction. The transport report states that there has been a reduction of traffic associated with Oaklands, this is contrary to the experience parishioners report, and the parish council dispute that traffic levels have reduced.

Unsuitable Access - the exit to Oaklands is now materially worse as it is opposite an access to the overflow car park of Attwell Farm Park, which is also used for events by Forders Gym.

It has been witnessed that on several occasions that residents have almost collided with FLT's, Elevated Platforms, Tug Vehicles, Mega Trailers and pedestrians using the road between Atwells And Oaklands as if it was internal roadways without illuminations and markers

Damage is clearly seen, verges eroded, pot-holes and pull-ins formed. Erosion of the junction at Brockhill Lane has resulted in the mains water hydrant that was set in the verge is now approximately 1 metre into the carriageway. Self made Pull -ins have now completely contravened drainage ditches causing surface water to lay on the road and junction of a national speed limit road, near to the exit of a dual Carriageway. On this stretch of road the Parish Council have set up a Vehicle Activated Sign which shows extent and behaviour of traffic using the site often witnessed by parishioners.

One way might have some kerbs but no kerbs are evident in Cherry Pit Lane or Seafield lane to the north. The road is narrow and verges are eroded along the way with mud and potholes present. There are several bends making visibility very poor . Wagons have regularly tried to navigate this stretch often end in chaos, evidence can be shown of broken post and rail fences, damaged verges that have compromised road drains that accommodate surface water drain off (this has caused lethal conditions in sub-zero temperatures), countless tree damage from wagons hitting branches of trees.

No special circumstances - there are plenty of industrial units available in Redditch which would be suitable, units which have the benefit of planning permission and building regulation approval, and where the local workforce could be retained. Covid and Brexit affected all food distribution companies and are not suitable excuses for not applying for planning consent. It would appear that profits are being made from operating from temporary buildings on agricultural land. Loss of profit for removing these buildings is not a reason for this application to be granted.

We also have a major concern over the wider site. This development has been allowed to grow out of hand over the years. Antisocial behaviour has been witnessed from drivers and litter in the area has increased.

The Parish Council strongly urge the council to refuse this application and insist that the greenbelt is returned to agricultural grazing land and to work with the applicant to find a more suitable property for this business in an established commercial location in Redditch.

Worcestershire Highways

Comments summarised as follows:

No objection subject to conditions.

Site observations:

The site is located in a rural location off a classified road, the site has existing vehicular accesses with good visibility in both directions. Seafield Lane has no footways or street lighting and no parking restrictions are in force in the vicinity. The site is not located within a sustainable location, it is noted the proposal is located within an already existing employment site and that bus stops are located approx. 700m from the proposed development.

Layout:

The proposal does not comply with Streetscape Design Guide in terms of car parking provision (no justification provided for the shortfall highlighted below). The applicant has provided 10 car parking spaces, however; in accordance with policy 17 car parking spaces are recommended for the proposed GFA - a shortfall of 7 car parking spaces. The site has room to provide these additional 7 car parking spaces, the applicant has also failed to provide cycle parking and disabled parking in accordance with policy please refer to the Streetscape Design Guide - conditioned below.

Visibility at the existing vehicular accesses is deemed to acceptable, the applicant has provided a speed survey as evidence.

Relevant extracts from the Transport Statement.

3.8 The Redditch site now employs 290 people and there is a high proportion of team members living in Redditch and south Birmingham

3.9 Oakland has a Green Travel Plan (GTP) in place across all its sites. This is based on feedback from staff about modes of travel.

4.1 The application site has good accessibility to the strategic highway network. A Green Travel Plan is already in operation and job numbers decreased from 450 jobs in 2022 to 290 jobs by the end of 2023.

4.3 The proposed buildings have not resulted in any changes to the means of access by HGVs at Oakland; the "in and out" one way system is retained and no access modification is required.

Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact and therefore there are no justifiable grounds on which an objection could be maintained.

Conditions are recommended in relation to cycle parking, accessible parking, motorcycle parking and the provision of an Employment Travel Plan

North Worcestershire Water Management

Comments summarised as follows:

The site falls within flood zone 1 (low risk of fluvial flooding) and while some areas of the site have a low-risk of surface water flood risk, the five buildings are outside of these flow-paths. We do hold several reports of flooding in the local area.

This application seeks retrospective approval for 5 buildings with a combined footprint of 4,193m². According to aerial photographs from 2018 (pre-commencement), the majority of the red-line boundary area was greenfield, therefore the replacement of this undeveloped land with impermeable surfaces is likely to lead to an increase in surface water runoff and therefore may increase flood risk locally. I also note that outside of the red-line boundary another area appears to have been stripped of turf more recently; being close to the watercourse this has potential to not only increase runoff but also increase the risk of pollution to the watercourse.

I note the planning statement suggests the buildings are drained via soakaway. Due to the underlying clay soils, infiltration drainage is unlikely to work.

In order to ensure the correct drainage has been installed, I would like to request a copy of the as-built drainage plan; this must include site-specific infiltration testing on site, and proof of what has been installed. The drainage system should have been designed to cope with the 1:100 storm plus an allowance for climate change. If adequate drainage has not been installed, alterations and attenuation will need to be retrofitted. Due to being a major application, there is an expectation for above-ground SuDS to be incorporated into the design, and due to the nature of the site an assessment of water quality is required to ensure no degradation of quality to the receiving waterbody.

If you are minded to approve the application the following condition should be attached to any decision notice:

A scheme for a surface water drainage strategy for the development shall be submitted to, and approved in writing by the Local Planning Authority within 3 months of this decision notice. The strategy shall include details of surface water drainage measures, including for hardstanding areas, and shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS). The plan shall include the details and results of field percolation tests. The scheme should include run off treatment proposals for surface water drainage. The approved surface water drainage scheme shall be maintained in accordance with the agreed scheme.

Please also include the following informative:

The applicant should be aware that polluting the nearby brook, for instance by allowing the discharge of sediment rich runoff from the construction site, might constitute an environmental offence. The applicant is expected to fully assess the risks from all pollution sources and pathways and take sufficient precautionary measures to mitigate these risks for this development.

WRS - Contaminated Land

No objection subject to the imposition of land remediation conditions

WRS - Air Quality

WRS has no adverse comments in respect of air quality.

Public Consultation

Comments received below represent a summary and Members are reminded that comments in full are available to view on the Council's Public Access system.

Site notices (x2) displayed 18.12.2023 (expire 11.01.2023)

Press notice published 05.01.2024 (expire 22.01.2024)

15 representations have been received

6 representations have been received in objection. Comments received are summarised as follows:

- This site is within the green belt. There are no very special circumstances which exist to outweigh the harm caused to the Green Belt
- The buildings are inappropriate, should be taken down and the area restored to its former state
- Seafield Lane is totally unsuitable considering the traffic generated by this business
- Seafield Lane now floods on a regular basis due to Oaklands continued expansion
- This is an eye sore in the green belt. The buildings are clearly visible from the highway and footpaths harming the openness of the greenbelt
- It is not my experience that traffic has reduced it has actually increased
- The buildings erected are of poor quality. The claim that this impact is mitigated because it is close to other existing buildings is erroneous since the new construction would substantially increase the bulk of the existing encroachment further into the Green Belt causing more harm
- There are available sites in existing established designated employment areas outside of the green belt which would be suitable
This site is not suitable
- The proposal does not support the sustainable expansion of Oakland International Ltd since to achieve this it requires the loss of Green Belt Land
- If the application was allowed it would encourage further expansion of the site in the future within the Green Belt
- Local infrastructure in this area including access is totally unsuitable for the scale of this operation

9 representations have been received in support. Comments received are summarised as follows:

- The development of Oakland International has resulted in positive growth within the community raising funds and supporting local charities including providing help in the Ukraine conflict
- Oakland support local food banks

- The buildings were needed to provide food supplies to the public during in the COVID-19 pandemic
- Traffic has in fact decreased. There are fewer vehicle movement now at this site due to Oaklands expansion at their other sites. Parts of the Oakland business at Seafield Lane have now moved to other parts of the country
- The Farm Park (opposite) is a different entity. Vehicle movements associated with this site should not be confused with Oaklands operation
- Oakland provide good job opportunities in the community
- No evidence that flooding along Seafield Lane is a direct result of operations at the site. Flooding has generally increased nationwide in recent years
- Refusing permission would force relocation to elsewhere and result in inevitable job losses at the site
- Collectively there are special circumstances which mean that this application should be viewed favorably.

Other matters which are not material planning considerations have been raised but are not reported here as they cannot be considered in the determination of this application

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP4 Green Belt
BDP13 New Employment Development
BDP16 Sustainable Transport
BDP19 High Quality Design
BDP23 Water Management

Others

National Planning Policy Framework (2023)

Relevant Planning History

The site has a long and complex planning history. Applications most relevant to the proposal are outlined below:

23/00255/FUL	Erection of replacement offices	Granted	22.05.2023
22/01114/FUL	Demolition of a warehouse and its replacement with an agricultural building for vertical farming	Granted	05.12.2022
15/0361	Demolition of existing buildings to	Refused	03.11.2015

	enable redevelopment as a B8 storage and distribution facility with associated landscaping	Appeal dismissed	28.09.2016
12/0455	Extension to existing Cold Store	Refused Appeal allowed	10.01.2013 12.09.2013
10/0238	Use of former agricultural sheds for storage and distribution (Use Class B8).	Granted	16.04.2010
09/0996	Erection of 5049 sq m warehouse to replace former poultry sheds at rear of premises.	Granted	21.04.2010
B/2001/0039	Hygienic covered extension to cold store within existing Oakland Foods premises	Refused Appeal allowed	12.03.2001 03.08.2001
B/2000/1337	Extension to existing food processing facility and extension to car park (northern)	Refused	09.04.2001
B/1994/1027	Formation of car park for staff	Refused Appeal allowed	11.03.1996 21.10.1997
B/18923/1990	Erection of replacement / extension to egg packing station and erection of storage building	Granted	12.02.1990
B/17745/1989	Erection of extension for farm offices	Granted	10.04.1989
B/11294/1983	Extension to existing agricultural buildings	Granted	24.10.1983
B/10987/1983	Extension to grading/packing shed and link for egg conveyor	Granted	18.07.1983
B/10731/1983	Erection of poultry house extensions.	Granted	23.05.1983

B/4139/1977	Erection of proposed barn and covered yard.	Granted	05.12.1977
B/3754/1977	Erection of 3 laying houses.	Granted	15.08.1977
B/1257/1975	Erection of replacement packing shed.	Granted	02.06.1975

Background

Oakland International Ltd ('Oakland') is a multi-temperature supply chain hub focussing on food packaging and distribution. Oakland International Ltd was founded in November 1998, Oakland starting as an egg production business at Seafield Lane, Beoley.

Oakland operates from five UK sites;

- Redditch (Seafield Lane, Beoley)
- Bardon, Coalville
- Corby
- Worksop (administrative offices)
- Golbourne (transport hub and driver base)

It also operates from a depot near Dublin, Republic of Ireland. The applicant states that employment at Oakland (Redditch) grew to 450 FTE jobs by 2022.

In 2022/2023 Oakland (Redditch) undertook a major transfer of storage and distribution activity to other sites (Bardon, Corby and Dublin). Trading volume reduced at Redditch due to these key factors:

1. A health and safety audit by the Oakland Group H&S Manager. Some inadequate, dilapidated, long-standing structures have been recommended for removal, upgrade or replacement
2. Massive rises in fuel costs and inflation have necessitated consolidation of activities at Bardon and Corby, where critical mass can be achieved.

As such the 450 jobs at Oakland (Redditch) in 2022 have reduced to 290 jobs by the end of 2023.

Assessment of Proposal

Site Description

The application site (Oakland International) is located on the east side of Seafield Lane approximately 650m north of the junction of Seafield Lane with the B4101 Beoley Lane leading onto the A435. The Oakland site comprises a number of purpose-built storage and distribution buildings. Seafield Pedigrees and Atwell Farm Park are located on the

opposite side of the road to the west. The site is located in the Green Belt. For HGV deliveries, Oakland operates a one-way system with two vehicular accesses for HGVs off Seafield Lane.

Plan 9919/D/200 identifies a number of buildings or varying sizes which were at the site in 2018 where the total floorspace of buildings at the site was 14,363 m².

Proposal

This application seeks retrospective planning permission for the erection of five buildings on the south-east side of the premises together with an associated concrete and hardcore hardstanding. The five buildings are constructed with insulated metal wall panels and a two-layer fabric roof and are light grey in colour. They measure 9.1m to their highest point and 6.2m to the eaves. These buildings are labelled number 10, 11, 12, 13 and 14 within the plans that support the application.

Building 14 includes a loading porch to the east (4.2m tall) and a flat metal roof (3.1m tall). The buildings are used for the storage, packing, grading and distribution of food products. The five buildings are erected on agricultural land and therefore the application proposes the change of use of land and laying of associated concrete and hardcore hardstanding for the loading and unloading of food products.

Buildings 10 to 14 were constructed with associated hardstanding from 2019 to 2022. The total floorspace of units 10 to 14 is 4,193 m². Further detail on the individual buildings is set out below:

Unit number	Function	Floor area (m2)	Date completed
10	Storage, packing, grading and distribution of food products.	957	Jan 2021
11	Storage, packing, grading and distribution of food products.	957	March 2019
12	Storage, packing, grading and distribution of food products	998	April 2021
13	Storage, packing, grading and distribution of food products.	957	July 2021
14	Storage, packing, grading and distribution of food products.	324	January 2022

The existing access arrangements with Seafield Lane would remain in place and there are no proposals to alter the existing parking or turning areas.

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) Design and appearance of development
- iv) Access, Highways & Parking
- v) Drainage implications

i) Green Belt and whether inappropriate development

The application site is located entirely within the Green Belt. Paragraph 142 of the NPPF highlights that the Government attaches great importance to Green Belts and this is further emphasised within Paragraph 153 which states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

Policy BDP.4.4 of the Bromsgrove District Plan and Paragraphs 154 and 155 of the NPPF set out the exceptions to inappropriate development. The development subject to this application does not comply with exceptions a) to g) listed under Policy BDP4.4 or exceptions a) to g) Paragraph 154 nor exceptions a) to f), Paragraph 155 of the NPPF and as such, it has to be concluded that the development in question subject to this application is inappropriate as a matter of fact. This is not disputed by the applicant within their planning statement which accompanies the application (para 5.3).

Paragraph 152 of the NPPF states:

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 of the NPPF states:

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The applicant is therefore required 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 retrospective development in question causes harm to any of the 5 purposes of including land within the Green Belt as set out under Paragraph 143 of the NPPF.

Checking unrestricted sprawl of large built-up areas

It is considered that whilst the development leads to an element of sprawl into the wider countryside, the site could not be reasonably be considered a 'large built-up area'.

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 development in question is significant with buildings 10 to 14 comprising a combined floorspace of 4,193m² on land previously devoid of buildings. The development, which includes a large area of associated concrete and hardcore hardstanding has an urbanising effect on the Green Belt and 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. In this case the development has already occurred and by the further development of this rural site, investment is potentially being drawn away from derelict sites within the Major Urban Areas.

Paragraph 142 of the NPPF highlights that the essential characteristics of Green Belts are their openness and their permanence. The Courts have held that openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposals may be relevant, as could its volume. Clearly, in spatial terms these substantial buildings measuring over 9m tall have a significant impact on openness. Visually, as highlighted within the representations received in objection to the application, the development is visually conspicuous from footpaths and from the highway, in particular the A435.

I have noted that the Inspector, considering appeal ref APP/P1805/W/16/3142546, planning ref 15/0361 commented at para 23 that:

I also observed from driving along the A435 that the proposed building would be very visible from this road, the footway along it, and the footpath leading to (Viewpoint 1). Similarly, due to its height, the proposal would appear as a prominent feature and be seen to encroach into the countryside when viewed from the footpath crossing fields opposite Seafeld Lane.

There is no doubt that this development 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 development subject to this application causes harm to 2 of the 5 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 this retrospective application causes very substantial harm to the Green Belt.

ii) Very Special Circumstances

Paragraph 152 of the NPPF highlights that inappropriate development in the Green Belt should not be approved except in very special circumstances. Paragraph 153 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.

The applicant states that Oakland is one of the largest employers in Redditch & Bromsgrove District, with over 290 members of staff based at the Head Office in Redditch. The applicant believes that the buildings are necessary for reasons given in the Business Plan which accompanies the application, summarised as:

- The requirement of the business to be located at Redditch;
- Essential contribution of Buildings 10 to 14 to the needs of the business;
- Other social and environmental benefits at a national and local level.

The applicant refers to the fact that the buildings are located near to a cold store building, granted planning permission at appeal ref 12/0455, where in that case, the inspector stated that the proposal is inappropriate development in the Green Belt but there were very special circumstances as set out at paragraphs 18 to 27 of that decision. The applicant considers that the VSC demonstrated in application 12/0455 are a material consideration in favour of the grant of the current application for five buildings.

The applicant concedes that (under ref 15/0361), the Inspector stated that the proposal would be inappropriate development in the Green Belt and there were insufficient very special circumstances but considers that proposal can be differentiated from the current proposal given the circumstances advanced by Oakland International Ltd in the current Business Plan (November 2023). This Business Plan can be read in full on the Councils public access system as Appendix 3 to the Applicants Agents Planning Statement ref ADM/9919.

Whilst accepting that each case should be considered on its own merits, the applicant has advanced some post NPPF appeal decisions which have been allowed involving proposed industrial development in the Green Belt and where Very Special Circumstances were demonstrated. The applicant states that these appeal decisions support the argument in this case that the economic and other benefits of retaining buildings 10 to 14 at Oakland are collectively sufficient to outweigh the harm to the Green Belt and to the landscape such that very special circumstances exist to justify permitting the development.

The applicant asserts that the specific locational requirements of Redditch are critical to Oaklands success considering the Seafeld Lane site to be in ideally located south of Birmingham and being geographically central to the UK two miles from junction 3 of the M42 linking to all the key motorway arteries (M40, M5, M6, M6 Toll and M1).

The applicant states that Oakland is a major local employer, that 290 people are directly employed from the site which has an annual turnover of £11.9m. They state that the

majority of this labour force comes from the local area; Redditch and south Birmingham and that it would be unreasonable and unsustainable for Oakland to close its Redditch operations due to an inability to retain the buildings erected from 2019 to 2022. They state that Redditch is the only one of Oakland's UK sites to offer the full range of services as set out on page 9 of the submitted business plan with the depots at Bardon, Corby and Dublin having a narrower range of services.

The applicant states that Oakland International Ltd makes a significant contribution to ensuring UK national food security and that the UK food supply chain needs sustainable, independent operators such as Oakland. They state that during the past five years (2018 to 2022) several large competitors have gone out of business or merged with other companies, reducing the choice for customers and increasing the risks of major supply chain issues. These closures/transfers are believed by the applicant to have resulted in:

- Unsettled supply chains
- Job losses or negative changes to employment conditions
- Tax payer impacts
- A reduction in the number of independent businesses working in the industry
- Concentration of food supply chain into fewer hands
- Declining product ranges within major supermarkets due to higher costs to serve

The applicant states that Oakland sources materials and services locally; spending £12.97 million per annum with over 40 businesses based in Redditch and Bromsgrove.

The applicant states that Oakland now has core partnerships in the community and that Oakland have provided financial help and time for local schools and have supported many community partners during the pandemic (2020-22) including those as listed on page 13 of its submitted business plan. The business plan also sets out its donations to charitable causes through the Oakland Foundation. Oakland comments that they are making significant progress to meet sustainability targets and reducing energy consumption (page 15 to 17 of the business plan).

The applicant states that external factors, particularly Brexit and the Covid-19 pandemic forced Oakland to undertake drastic and rapid development at the site from 2019 to 2022 as set out on (pages 18 to 21 of the business plan) commenting at 7.22 of the business plan that (during the pandemic) *if Oakland had not erected additional buildings at Redditch then it would have been unable to meet food demand and this would have damaged thousands of families and individuals.*

The removal of buildings 10 to 14 as set out on the submitted documents, would according to the applicant severely harm the financial and functional viability of Oakland International Ltd in general and the Redditch site in particular (page 23 business plan). The applicant comments that there is no space at other Oakland sites in the UK and Ireland to accommodate the uses currently in the buildings, resulting in significant job losses. Buildings 10 to 14 are considered by Oakland to make an essential contribution to the needs of their business as a whole. The role of the buildings subject to this application (buildings 10 to 14) is specifically to:

1. Contribute to national food security, by keeping food in shops and distributed to homes.

2. Reduce food imports (the food is grown and packaged locally).
3. Reduce road miles and carbon footprint by providing these essential structures on-site rather than off-site.
4. Safeguard the future of a major employment site.
5. To meet food safety and hygiene standards and achieve British Retail Consortium (BRC) accreditation.
6. Ensure safe management of distressed loads. Many of these loads are required to be kept separate from other food handling processes due to insurance demands and the risk of food contamination.

Commenting on the VSC advanced by the applicant in this case, acknowledging that such economic considerations could amount to the very special circumstances needed to outweigh the harm to the greenbelt, 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.

Similar economic arguments have been advanced in support of previous applications and are likely to be submitted again as the applicant seeks to continue to grow their business. 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 great 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.

The applicant has highlighted the economic, social and environmental benefits of their development. The economic benefits relate to the protection of jobs. Environmental benefits highlighted include the ability of Oakland to meet existing contracts in the most sustainable manner. 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.

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 at para 22:

"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 appeal decision (APP/P1805/W/16/3142546), planning ref 15/0361 the Inspector, whilst accepting that Oakland International have a strong approach to corporate social responsibility and that there was nothing to suggest that Oaklands social initiatives did not result in significant social benefit, this matter was afforded only moderate weight. The Inspector acknowledged and applauded Oaklands environmental record with respect to carbon emission reduction for its customer base and initiatives relating to recycling and

energy efficiency but considered that these matters also carried only moderate weight in favour of the development. The support offered to small businesses also carried moderate weight.

At Para 37 of the decision letter the Inspector commented:

in the absence of compelling evidence that the business would fail completely, and that alternative measures could not be found to secure the business' future, I must accord the avoidance of the potential failure of the whole business limited weight in favour of the scheme.

To conclude on the matter of Very Special Circumstances, in addition to the harm by definition, the development results in encroachment into the countryside and undermines 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 these are not considered to be very special circumstances in this context. It is clear that Oakland International seeks to continually grow without any significant regard to its Green Belt setting.

iii) Design and appearance of buildings

The buildings are utilitarian in nature and light grey in colour. The buildings would be of a scale, and form, which together with their function, including the unavoidable HGVs accessing the site using the associated hardstanding would be clearly recognisable as large warehouses set within the countryside. Whilst being commensurate in terms of their design and appearance with other existing buildings at the site, including that of the recent agricultural building approved under reference 22/01114/FUL, granted December 2022, the scale and massing of all of the buildings would cause considerable harm to the openness of the Green Belt.

iv) Access and highway safety

Worcestershire County Highway Authority consider the sites location to be unsustainable but consider that visibility at the existing vehicular access (which would not be altered) to be acceptable. WCC Highways note that a speed survey has been submitted in evidence.

The Highway Authority comment that 17 car parking spaces are recommended to be provided at the site having regard to the proposed gross floor area of the development. 10 are provided representing a shortfall of 7 spaces. WCC however note that the site has capacity to provide the additional 7 spaces which could be provided by means of a condition in the case of planning permission being granted. The Highway Authority have noted that the applicant has failed to provide cycle parking and disabled parking in accordance with policy although this could be secured by planning conditions.

Based on the analysis of the submitted Transport Statement the Highway Authority have concluded that there would not be an unacceptable highway impact and therefore that there are no justifiable grounds on which an objection could be maintained.

In the case of planning permission being granted, Conditions are recommended in relation to cycle parking, accessible parking, motorcycle parking and the provision of an Employment Travel Plan.

v) Drainage

The site falls within flood zone 1 (with a low risk of fluvial flooding). The submitted planning statement suggests that the buildings are drained via soakaway although NWWM as the Lead Local Flood Authority for the area have commented that due to the underlying clay soils, infiltration drainage is unlikely to work. At the time of writing, no as-built drainage plans have been submitted with the application. NWWM have stated that if adequate drainage has not been installed, alterations and attenuation will need to be retrofitted. As a major application, there would be an expectation that above-ground SuDS to be incorporated into the design together with an assessment of water quality to ensure no degradation of quality to the receiving waterbody.

North Worcestershire Water Management have raised no objection to the application subject to a condition requiring a surface water drainage strategy being approved and implemented.

Green Belt balance

The Green Belt balance requires an assessment of whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations to amount to the very special circumstances required to justify the proposal.

Considerable harm to the openness of the Green Belt has resulted by the erection of the 5 buildings and the large concrete and hardcore hardstanding subject to this application causing significant harm to the purposes of the Green Belt. In accordance with local and national policy, substantial harm should be attributed to the totality of the harm to the Green Belt.

The environmental activities which Oakland International implements are of moderate benefit and there are moderate benefits from Oaklands approach to social responsibility, avoiding the loss of jobs associated with the existing unlawful floorspace and the potential impact on the wider business sector. In the absence of compelling evidence that the business would fail completely if the buildings were removed from the site, as per the Inspectors conclusions in APP/P1805/W/16/3142546 it is considered that this matter should be afforded only limited weight.

I also concur with the Inspectors findings under APP/P1805/W/16/3142546 in that the current business continues to expand in the Green Belt in response to the customers needs rather than seeing that the business' location within the Green Belt is a constraint which requires the adjustment of the business to work within the planning limits of the site including those of the development plan.

Conclusion

The development is considered to be inappropriate development and is by definition harmful to the Green Belt which the Framework indicates should be given substantial

weight. The development results in significant harm to the openness of the Green Belt. The development is also at odds with two of the five purposes of the Green Belt, as described in the Framework. Collectively, these findings should carry substantial weight in line with Paragraph 153 of the Framework. The development results in the dispersal of the business which has an urbanising effect on this rural locality.

Overall, the weight that should be given to the other considerations put forward does not clearly outweigh the substantial harm to the Green Belt which the development would cause. Consequently, the very special circumstances necessary to justify the inappropriate development do not exist.

This application therefore conflicts with Policy BDP4 of the Bromsgrove District Plan and Chapter 13 of the Framework and should be refused.

RECOMMENDATION: That planning permission be **REFUSED**

Reason for Refusal

- 1) The retrospective development does not fall within any of the categories of appropriate development specified at Policy BDP.4.4 of the Bromsgrove District Plan 2017 (BDP) or at Paragraphs 154 and 155 of the National Planning Policy Framework 2023 (NPPF). Thus, the buildings and associated hardstanding constitute an inappropriate form of development in the Green Belt which harms the Green Belt by reason of inappropriateness and harm to openness. The development 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 into the countryside. 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 BDP4.4 of the Bromsgrove District Plan 2017 and the provisions of Chapter 13 of the NPPF

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