

## PLANNING COMMITTEE – 1 JUNE 2021

<b>Application No:</b>	<b>21/00295/FULM</b>	
<b>Proposal:</b>	<b>Erection of commercial storage units and erection of new office with associated parking.</b>	
<b>Location:</b>	<b>Staunton Industrial Estate, Alverton Road, Staunton In The Vale NG13 9QB</b>	
<b>Applicant:</b>	<b>Pete Norris Ltd, Midland Feeds</b>	
<b>Agent:</b>	<b>Grace Machin Planning &amp; Property</b>	
<b>Weblink:</b>	<a href="#">21/00295/FULM   Erection of commercial storage units and erection of new office with associated parking.   Staunton Industrial Estate Alverton Road Staunton In The Vale NG13 9QB (newark-sherwooddc.gov.uk)</a>	
<b>Registered:</b>	<b>17.02.2021</b>	<b>Target Date: 19.05.2021</b>
	<b>Extension of Time Agreed Until 04.06 2021</b>	

This application is presented to the Planning Committee for determination given that it is major scheme which has the potential to generate employment and the officer recommendation is for refusal.

### The Site

The site is situated at the long established Staunton Industrial Estate, approximately 750m to the north-west of Staunton-in-the-Vale which is located in the open countryside to the south of the district. This part of the industrial estate comprises a mix of compacted bare ground, improved grass and tall ruderals vegetation. This and the wider field to the north and east appears agricultural in character. There is a balancing pond located to the east, fed by a culvert that runs parallel with the drive that serves the industrial units.



JP Concrete is the business occupying the unit and associated land immediately adjacent (west) of the site. Midland Feeds occupy the larger unit (with a square footprint) west of that along with the land to the south, east and west of it where they produce animal feeds.

The proposed development site is located approximately 150m to the east of existing industrial buildings within the Estate. An existing industrial estate access lies to the south of the application site and connects to the public highway C3 (Grange Lane) that runs parallel with the A1 to the east.

The site lies within flood zone 1 although lies in an area that is prone to superficial deposit flooding according to the EA maps.

### Relevant Planning History

#### *Wider site including this application site*

94/51746/LDC – Use of site (Staunton Works British Gypsum Ltd) for general industrial purposes within Use Class B2. Certificate issued 04.12.1995.

94/51747/LDC – Retention of existing buildings (non-compliance with planning conditions requiring removal of such buildings) certificate issued 04.12.1995.

94/51748/OUT – Demolition of some existing buildings and replacement with new buildings and use of site for B1, B2 and B8. Approved 18.09.1995.

#### *Land to south-west*

12/00224/AGR – Prior notification for proposed open cattle area, prior approval not required 23.04.2012

97/51912/CMM – Restoration of land to agricultural. NCC were decision makers.

#### *Land to west*

09/00995/FULM - Proposed change of use for storage and associated haulage for Farrell Transport Ltd, refused on 17.02.2010 (on grounds of impact on living conditions upon occupiers living alongside the local highway) but appeal was allowed 27.07.2010 under appeal ref APP/B3030/A/10/2126156.

02/02452/FUL – Proposed extension for storage of Glulan & I Beams, approved 19.12.2002

98/51825/FUL – Change of use of agricultural land for open storage, approved 25.08.1998.

### The Proposal

Amendments (involving omitting a previously proposed triple bay feed store) have been submitted during the lifetime of the application in an attempt to overcome officers concerns.

Full planning permission is now sought for new commercial development by Midlands Feeds who already occupy a unit on the Staunton Industrial Estate to allow them to relocate their other site

and staff from Bottesford (within Melton Mowbray borough) and consolidate and expand their business. The business is for animal feed storage.

The applicants existing site at Bottesford is said to comprise c10,000 sq ft (c929m<sup>2</sup>) of storage. The applicant has advised that they currently operate or store at six different sites and this application will allow the company to consolidate down to two sites (this one and the other at Claypole; just across the Lincolnshire border into South Kesteven) with all staff moved to the Staunton site.

The development proposals includes storage buildings and an office, detailed as follows:

An office building (24.68m x 9.68m x 3m eaves x 6.35m ridge) is proposed comprising an open plan office space of 239m<sup>2</sup>, reception, server room, toilet/shower room, lobby and small kitchen, additional lobby, kitchen, store, plant room, office and board room. This would be located at the southern part of the site adjacent to the site access that serves the estate. This would be constructed of profiled metal coated cladding, glazed roof lights, with metal windows and doors.

Parking for 19 cars to the west of the office is proposed and the access road would loop around the office and parking (a weigh bridge is proposed to the north also).

To the north of the office and in the center of the site, a double bay feed store is proposed (c38.36m x 25m x 8.75 ridge x 5.6m eaves) giving 2 x storage areas of 466.63 m<sup>2</sup> and 466.62m<sup>2</sup>. A further 4 parking spaces would be provided adjacent. This would be constructed in a portal steel frame, with dark brickwork, profiled pvc coated metal cladding and metal roller shutter doors.

A service yard to the north of the site is proposed now instead of the previously proposed triple bay feed store.

A weighbridge 18m long with 3m ramps at either end is also proposed between the offices and the two bay feed store.

The application form is noted as having 16 full time and 2 part time employees. However these employees would be existing staff relocated from Melton Mowbray.

**The application has been assessed on the basis of the amended plans and documents listed in the Note to Application no. 1 at the end of this report.**

#### Departure/Public Advertisement Procedure

Occupiers of 16 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press given that this is a major development and a potential departure from the development plan. Re-consultation has taken place on the amended plans

#### **Planning Policy Framework**

#### **The Development Plan**

#### **Newark and Sherwood Core Strategy DPD (adopted March 2019)**

#### Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth  
Spatial Policy 3 – Rural Areas  
Spatial Policy 7 - Sustainable Transport  
Core Policy 6 – Shaping our Employment Profile  
Core Policy 9 -Sustainable Design  
Core Policy 10 – Climate Change  
Core Policy 10A – Local Drainage Designations  
Core Policy 11 – Rural Accessibility  
Core Policy 12 – Biodiversity and Green Infrastructure  
Core Policy 13 – Landscape Character

### **Allocations & Development Management DPD**

DM1 – Development within Settlements Central to Delivering the Spatial Strategy  
DM4 – Renewable and Low Carbon Energy Generation  
DM5 – Design  
DM7 – Biodiversity and Green Infrastructure  
DM8 – Development in the Open Countryside  
DM9 – Protecting and Enhancing the Historic Environment  
DM10 – Pollution and Hazardous Substances  
DM12 – Presumption in Favour of Sustainable Development

### **Other Material Considerations**

National Planning Policy Framework  
NPPG  
Landscape Character Assessment SPD, 2013

### **Consultations**

**Staunton Parish Meeting** – (on 07.05.2021 in response to amended plans) **Object** (6 objections, 4 support). The reasons for objection remain the same as our original response below. In addition some felt aggrieved that a building has been erected without planning consent adjacent (within the existing industrial estate) and this would have been a suitable area for this development. Those in support felt the proposed development, including landscaping, would improve the look of the industrial estate in this rural area.

**Previous comments** (on 08.03.2021 in response to original submission) **Object** (7 against, 3 support, 2 abstentions) due to the following reasons:

- They did not wish to see Staunton Industrial estate expand into open countryside, as designated in the local plan.
- Such expansion into a grass field would negatively impact the rural landscape and could set a precedent for further expansion into open countryside
- There was concern over increase traffic to the new offices and industrial units including heavy goods vehicles
- There was unanimous concern (including those in support) regarding light pollution. Those in support wished this to be subject to low level lighting on the new development only. (The high level bright all night lighting on the recently erected building at Farrell Transport adjoining continues to cause significant concern within the village)

- There are existing foul and surface water drainage problems at Staunton Industrial estate. There are worries that this additional development could add to these problems and that the applicant should submit more detailed plans on how this issue will be addressed should the development go ahead.

**NCC Highways Authority** – (14.05.2021) **Object**; Insufficient information received for them to remove their holding objection. They comment that whilst the size of the unit has been reduced to one where a Transport Assessment isn't required, impacts are considered cumulatively. They have concerns that the parking may be insufficient given the unsustainable location and as the site is situated within an existing Environmental Weight Limit, it causes some concern as even with less traffic, the development would increase the numbers of HGVs using the roads subject to this weight limit and an acceptable routing agreement would be required with routing to the south, through the villages to the north of the A52 unlikely to be acceptable.

**NCC Lead Local Flood Authority** – 31.03.2021 – Confirmed no objection based on the drainage plans submitted which addressed their previous holding objection and they have confirmed there is no objection in respect of the amended plans on 05.05.2021.

**Natural England** – No comments to make

**NSDC (Environment Health, Land Contamination)** - Advice Note - The proposed development is in a potentially Radon Affected Area\*. These are parts of the country where a percentage of properties are estimated to be at or above the Radon Action Level of 200 becquerels per cubic metre (Bq/m<sup>3</sup>). Given the above I advise that it would be prudent for the applicant to investigate if the proposed development will be affected by radon and incorporate any measures necessary into the construction to protect the health of the occupants. Further information is available on the council's website at: <http://www.newarksherwooddc.gov.uk/radon>

\*based on indicative mapping produced by the Public Health England and British Geological Survey Nov 2007.

**Representations have been received from 4 local residents/interested parties in response to the original proposals (no comments received in respect of the amendments); 3 of these support and 1 objects which are summarized below:**

**Support:**

- It would make positive contribution to area in terms of aesthetics and by helping encourage business to the area;
- It will help with screening the existing buildings from the village as long as there is adequate landscaping;
- The style and look of the new buildings will in my opinion be an improvement to what is already there.

**Object**

- This further extension of an industrial site would continue to negatively impact this part of the Vale and would be detrimental to local environment;
- Amenity is already severely impacted in terms of both light and noise pollution from the existing businesses operating out of Staunton Works;
- We do not need additional Industrial or Warehousing or even office space locally. There is no shortage locally and there are much better sites where this sort of development would have no or little impact to both the local community and environment;

- Would mean further increased traffic and heavy goods lorry use of Grange Lane which rightly has a 7.5T weight restriction upon it. Grange Lane already suffers from excessive traffic from heavy goods vehicles from both Farrells and other local businesses exempt from the existing weight restrictions and other traffic illegally using it as a short cut from A1 to A52/A46;
- There has been a noticeable increase in general traffic over the last few years along Grange Lane at speeds seemingly well in excess of the prevailing national speed limit ( 60mph) which resulted in a local petition and application (2018/19) requesting a 40mph speed restriction from the junction of Grange Lane with turning for Staunton in the Vale up to the junction with Valley Lane (for Long Bennington);
- This development would mean expansion into the open countryside and would also set a precedent for potential further expansion into open countryside adjoining the site in the future leading to a further degradation of the environment for the local community;
- There are new structure on the Staunton Industrial Estate owned by the applicant which does not seem to have had any planning permission.

### Comments of the Business Manager

#### The Principle

Development of this scale in this location requires some justification. This proposal, if permitted, would effectively extend Staunton Industrial Estate despite there being undeveloped land within its current boundary and a more than adequate supply of available land suitable for employment uses elsewhere in the District.

The spatial strategy seeks to focus employment development in the sub-regional centre, Service Centres and Principal Villages, with a range sites having been made available in such locations. The Development Plan seeks to ensure that development in the open countryside is strictly controlled (through policies SP3 and DM8) and it is important that any permissions granted do not set a precedent that undermines the ability of the District Council to resist inappropriate development proposals elsewhere.

Policy DM8 (Development in the Open Countryside) strictly controls development in the open countryside limiting it to certain exceptions of which there are 12. Exception no. 8 'Employment Uses' is considered the most applicable to this proposal. This states:

*'Small scale employment development will only be supported where it can demonstrate the need for a particular rural location and a contribution to providing or sustaining rural employment to meet local needs in accordance with the aims of Core Policy 6. Proposals for the proportionate expansion of existing businesses will be supported where they can demonstrate an ongoing contribution to local employment.'*

I therefore assess the scheme against this exception having regard to two key factors; 1) whether the proposal can be considered to be small-scale, and 2) whether the proposal is considered a proportionate expansion of an existing business.

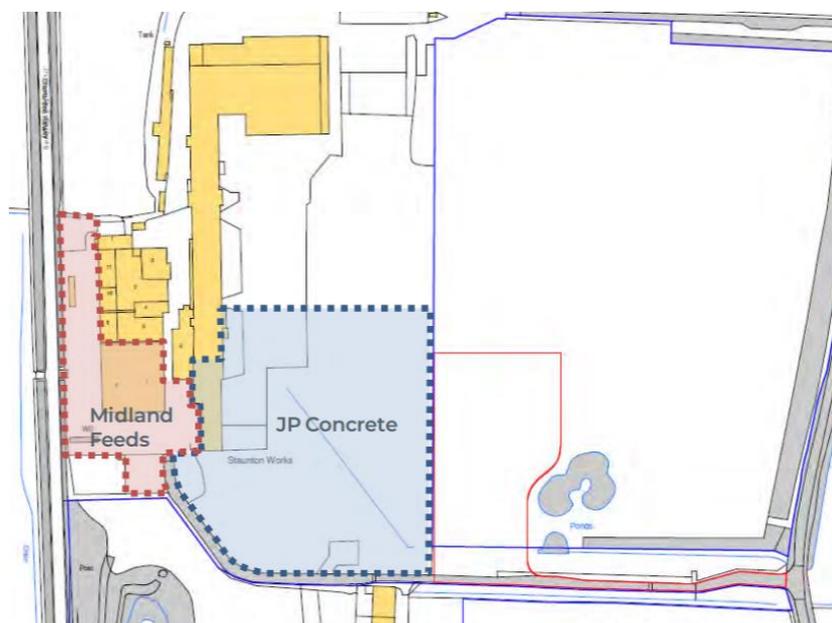
#### *Small Scale*

As originally submitted the scheme proposed 2,589m<sup>2</sup> of new floor space which has been reduced to 1,172m<sup>2</sup> by the omission of the triple bay feed store. Nevertheless this this amount of

development and with a land take of 1.04 hectares, I would say that this is not a small-scale development. Major developments in planning terms are defined by government as those having a floor area of 1,000 m<sup>2</sup> or above, or those exceeding 1 hectare in land area. This scheme exceeds both and constitutes a major development. Policy DM8 is silent on large-scale employment developments simply because it is expected that these would be located on sites allocated for employment type uses; only development demonstrated as necessary is permitted in the open countryside in line with the sequential approach to site selection.

*Is it an Expansion and is it Proportionate?*

Core Policy 6, underpinning Policy DM8, requires that development sustaining and providing rural employment should meet local needs and be small scale in nature to ensure acceptable scale and impact. Policy DM8 refers to proportionate expansion, so a judgement needs to be reached as to whether the scale of this proposal is acceptable and proportionate. There is no definition in policy DM8 as to what is meant by a 'proportionate' expansion of an existing business. While proportionality should be considered in relation to the existing Midland Feeds Ltd. site, it is reasonable to view this in the wider context of the whole Industrial Estate.



As can be seen from the plan extract, the application site does not sit immediately adjacent to the existing business which is seeking to expand and there is a separate business on the intervening land between the sites. Whether we can consider this proposal as an expansion of the existing business at all (rather than a separate business operating independently) is a matter that needs to be carefully considered.

Midland Feeds Ltd is a company that produces animal feeds by blending and processing grains and cereals for cattle and sheep. It stores these on-site and delivers nationwide. While a rural setting seems appropriate for such a business, it is still important to be satisfied that this is the correct location for it and that the location is sufficiently justified compared with other locations which would be more consistent with the spatial strategy. The site is neither within the established Staunton Industrial Estate (in the sense that it is undeveloped land) nor adjacent to the existing Midland Feeds site and the impacts of the proposed development would be akin to a new business venture being established in the open countryside. As such I take the view that it is appropriate to undertake a sequential approach to site selection. The necessity of this location, and the unsuitability of alternative available land elsewhere will need to be understood (including but not necessarily limited to allocated employment sites).

In this regard the applicant has been asked why the business needs a rural location and how the existing unit and proposed site at Staunton interrelate together as it appears that both elements of the business could operate independently as they do currently on different sites. They have

responded as follows:

*“A rural location is essential for the business for a number of reasons. We have customers coming in to collect (feed) in a variety of transportation, ranging from small trailers to large tractors and trailers, as well as HGV lorries. We currently carry out all processing at the Claypole site (which is essentially an old farm, situated outside of Claypole village). To ensure the short, medium and long term viability of the business, expansion at Staunton is critical in order to store finished material and raw materials for blending. There is currently no plan to process at the new site, in order to keep it as “clean” as possible. However, there is a small amount of dust produced when for example we load a lorry (our feed is 90% dry) therefore being positioned on a ‘urban’ commercial site in a location with other operators where you have people coming for meetings (offices), dropping cars off for repair (i.e. you have a human interface within a reception area, etc) is simply unworkable.”*

Whilst it is understood that the variety of vehicles being able to collect the feed might be better suited to a rural location, it should be remembered that the office element of the scheme is exactly the type of urban commercial site that the applicant says would be unworkable. I am not convinced that a rural location is necessary and consider that the applicant has not fully demonstrated a compelling need to be sited here as opposed to on the ample employment land we have allocated within the Development Plan; for example the Newark Industrial Estate which is close to the applicant’s other site in Claypole and with arguably better transport links.

In terms of whether the ‘expansion’ is proportionate, on a simple mathematical comparison, the existing business occupies a land area of approximately 0.672ha whilst the proposed site relates to 1.04ha which represents a 154.7% increase in land take which I do not consider to be proportionate to the existing business.

The applicant has been asked why existing industrial units at Staunton Industrial Estate cannot be acquired for the expansion of the feed stores and office. They have commented that currently all units and space is occupied by other businesses and that in any case none of the other units are suitable for HGV access, nor lend themselves to being suitable to the feed business as they are mainly workshops with small offices. The applicant has also been asked what benefits this relocation would bring to the business already operating. They have said:

*“The biggest benefit and the main reason for relocating is that the business has continually grown over the last 5 years and we are now at a situation where we need more room/space. Proportionate growth at Staunton will make the business a more efficient operation with a less dispersed array of sites to minimise unnecessary car journeys. There will be less vehicle movements internally by relocating from Bottesford. We want to invest in Newark and Sherwood and help in bringing prosperity and jobs to the District.”*

The applicant also indicates that the other auxiliary stores around the country that they use would no longer be needed by the business which would reduce the amount of vehicle movements between these sites and this one.

Whilst this is all noted, the same statement could be true for alternative land available at Newark Industrial Estate which is where we would expect to see such growth which also has good (I would suggest better) site access from major transport links to the applicant’s other site at Claypole given it is just off the A1.

Policy DM8 requires schemes to demonstrate a contribution to providing or sustaining rural employment to meet local needs. The application form notes the proposal would have 16 full time and 2 part time employees. However the Planning Statement submitted in support of this application makes clear in paragraph 2.4 that the staff would be existing employees currently based in other locations. As currently set out there would be modest, if any, benefits in terms of local employment although of course in the future it is possible that local residents could find work here and the scheme would at least 'sustain' employment (though notably a move to Newark Industrial Estate would equally).

Of course there would be benefits to the district from the inward investment and the overall aim of Core Policy 6 is to strengthen and broaden the economy of the District so in that regard the proposal would align with the Development Plan.

In terms of general sustainability the site is not well served by public transport. The business is clearly dependent on the use of motor vehicles, including lorries, by both staff and customers. 23 car parking spaces are proposed and it is inevitable that there will be some impact on the local road network. Paragraph 84 of NPPF states that 'planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport'. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist'.

The applicant has indicated that, if permission were granted, they would be willing to accept a condition restricting the use of the site to Midland Feeds Ltd, so the suitability of the site for other potential future users may be less of an issue than would otherwise be the case. Even so, it could be difficult to resist alternative future uses of comparable scale if the impacts were considered similar, as the principle of this type of development in this location would have been established. Equally, a further application to expand the business by building on the service yard I suspect would also be difficult to resist if this were to be approved.

The proposal is for brand new buildings in the field beyond the existing business in the open countryside. This is encroachment into good quality agricultural land. This is of relevance in that the final paragraph of Policy DM8 requires that where the loss of the most versatile areas of agricultural land is proposed, that a sequential approach to site selection is taken and implies that environmental or community benefits must outweigh this harm. The NPPF sets out at paragraph 170 that planning decisions should contribute to the natural and local environment by ' (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – *including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.*' emphasis added.

Clearly agricultural land is an important natural resource and how it is used is vital to sustainable development. The Agricultural Land Classification system classifies land into 5 grades, with Grade 3 subdivided into sub-grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a (as defined by the NPPF) and is the land which is most flexible, productive and efficient in

response to inputs and which can best deliver food and non-food crops for future generations. This is a method of assessing the quality of farmland to assist decision makers.

Estimates in 2012 suggest that Grades 1 and 2 together form about 21% of all farmland in England; Subgrade 3a also covers about 21%. The vast majority of land within the Newark and Sherwood District is Grade 3. There is no Grade 5 land and very limited amounts of Grade 4 land which is located north of Girton and Besthorpe and near North Clifton. Of the Grade 3 land, there is no database to distinguish between whether a site is formed by Grades 3a or 3b land.

The applicant is not able to confirm whether the land is either 3a or 3b graded land. No soil analysis has been undertaken to understand the versatility of the soil albeit the agent notes that the land was restored by British Gypsum prior to their ownership.

Without the soil analysis to confirm either way, I have taken a precautionary approach and assumed the field in which the new building is proposed should be considered as 3a quality land. The existing site comprises an area of c0.672ha however an additional 1.04ha of land, representing an increase in site area of 154.7% increase in curtilage. The loss of an additional 1.04ha of Grade 3 agricultural land is a negative factor in the overall planning balance. However without knowing what proportion of other land within the district is 3a and 3b it is difficult to quantify its true impact and in reality it is questionable as to whether the land could or would be actively farmed commercially given it is within the confines of an established industrial estate.

### Landscape and Visual Impacts

Core Policy 9 of the N&SDC Core Strategy requires that all new development should achieve a high level of sustainable design and layout which is accessible to all and which is of an appropriate form and scale to its context complimenting the existing building and landscape environments. Criterion 4 of Policy DM5 of the Development Management and Allocations DPD considers local distinctiveness and character and requires that in line with Core Policy 13 of the Core Strategy, all development proposals should be considered against the assessments contained within the Landscape Character Appraisal (LCA).

A LCA has been prepared to inform the policy approach identified within Core Policy 13 of the Core Strategy. The LCA has recognised a series of Policy Zones across the five Landscape Character types represented across the District. The site falls within Policy Zone 10 (Alverton Village Farmlands) within the South Nottinghamshire Farmlands Regional Character Area. Here landform is predominantly flat with the landscape being in a mix of arable and pastoral farmland. The landscape condition is described as very good with its sensitivity described as moderate giving a policy action of 'conserve'. In terms of built features this means conserve what remains of the rural landscape by concentrating new development around existing settlements of Alverton, Kilvington and Staunton in the Vale.

The proposed grain store building is large in scale at 8.74m to ridge and with a large footprint of over 900m<sup>2</sup> with the office building being smaller in scale at 6.35m to ridge height and having a footprint of 238.90 m<sup>2</sup> (2571.49sq ft). These substantial buildings would be seen with industrial buildings as a backdrop albeit further forward towards the roadside on currently undeveloped rural land.

Current view towards the site from the main C3 highway



The proposal goes against the landscape actions and objectives (conserve) set out in the SPD and CP13 in that it does not limit development to around the settlements. It could be argued that this doesn't limit development to around the industrial unit. As existing the industrial estate is reasonably compacted in a linear arrangement to the west. This scheme would be notably separate being in the adjacent field over from the built development and would represent

encroachment into the countryside, which may set a precedent for the remainder of this field to be developed. I do acknowledge that the site is reasonably well screened from the road and the applicant has stated they could propose further landscaping to increase screening and improve biodiversity in the local area if required. This would go some way to mitigate the proposals but cannot completely mitigate the impacts from encroachment and in summary I conclude there would be a level of harm from encroachment in the landscape and it would be contrary to CP13, CP9 and DM5.

### Highway Impacts

Together Spatial Policy 7 and Policy DM5 seek to ensure that new development minimises the need for travel, provide safe and convenient accesses for all, be appropriate for the network in terms of volume and nature of traffic generated, ensure the safety of highway users, provide appropriate and effective parking and service provision and ensure schemes do not create or exacerbate existing problems.

The site has access onto the C3 road which links Newark to the north with the A52 at Elton-on-the-Hill to the south. The proposal would utilise the existing access arrangements on site.

A Transport Statement (TS) was submitted with the original application which included an additional grain store. NCC raised a number of concerns and sought some clarification in terms of what is actually being applied for and whether there would be a retail element as the submission indicates customers visit the site. They raised concerns that the scheme was not considered sustainable as it would encourage the use of private motor vehicles. The raised concerns that the TS deducted the vehicles movements to the existing Bottesford site but they don't accept this as the existing site at Bottesford could continue to operate, either with the existing or a new occupier. Significant concerns were also raised with the data with the trip rates used and that the parking provision showed a shortfall of 40% and showed no customer parking.

In an attempt to address the concerns officers raised amended plans have been received removing the triple grain store which takes the scheme to a development below which a Transport Statement needs to be provided. As the impacts are considered cumulatively, NCC concerns haven't been fully addressed. It remains a concern that given the unsustainable site location, a need for further parking provision is required in order to avoid potential parking on the access road which would inhibit HGV's from being able to safely enter and exit the site.

The industrial use would require 17 parking spaces under current highway guidelines and the office layout shows workstations for 13 staff such that 30 spaces would be required for these two elements and there is no provision for customers (given the office shows a payment lobby) it is assumed there will be a need for customers to visit the site to collect their goods). Only 23 parking spaces are shown which is considered inadequate risking parking on the access road which may be obstructive to the highway. In addition there is an existing Environmental Weight Limit which causes some concern as even with less traffic, the development would increase the numbers of HGVs using the roads subject to this weight limit. NCC have stated they would require an acceptable routing agreement to be submitted and that it is unlikely that routing to the south, or through the villages to the north of the A52 would be acceptable. For these reasons the scheme is considered to be contrary to the development plan.

### Residential Amenity

The nearest residential neighbours are some distance from the site, almost 700m away from the site. As such I have no concerns that the scheme would give rise to impacts such as overlooking, overlooking, loss of light etc. Concern has been expressed regarding general disturbance from noise and light pollution which it is said are already occurring from uses already operating closer to the objector in question. The concerns regarding light pollution from the Parish Meeting regarding light pollution are also noted. However I consider that in the event of an approval, low level lighting could be secured by condition. I do not expect that noise from the proposal would be an issue here given the distances involved and as such it would comply with Policy CP9 and DM5 in this regard.

### Drainage and Flood risk

Core Policy 9 requires developments to be pro-actively manage surface water and Policy DM5 builds upon this requiring developments to include, where possible, appropriate surface water treatments in highway designs and Sustainable Drainage Systems.

The site lies within Flood Zone 1 (at lowest risk of flooding) according to the EA Flood Maps albeit is in an area identified as being prone to surface water flooding.

The application has been accompanied by Flood Risk Assessment and Drainage Strategy to show how both surface water would be managed. This has been revised to address concerns raised by the Lead Local Flood Authority. In order to ensure flood risk is minimised the strategy makes a number of recommendations which could be secured by condition in the event of an approval. The LLFA as technical experts have now confirmed they have no objection to the scheme and therefore the scheme complies with the relevant policies in terms of drainage and flood risk.

### Ecological Impacts

CP12 and DM7 seek to protect, promote and enhance the environment through site development proposals and requires developments affecting sites of regional or local importance, sites supporting priority habitats, priority species, or where they contribute to the ecological network, to be supported by an up to date ecological survey.

An ecological appraisal has been undertaken and submitted in support of the application. The scope of this appraisal relates to the application site and the wider agricultural field within which it lies.

This concludes that given the lack of direct access from the site to the nearest local wildlife sites (of which there are 3) there would be no negative impacts. Given the land is under intensive agricultural management there is low ecological value. No evidence on site was found of protected species, such as badgers, water voles, great crested newts. Plants were found on site that are food for some species of Section 41 butterfly which would be lost to the development. However the ecologist considers that this would not be a significant impact.

The appraisal recommends the following in order to provide a new high-quality foraging opportunities for locally present bat and bird species, enhancing the overall ecological value of the site.

- New planting should incorporate native tree and shrub planting, including flower, fruit and nut bearing species.
- Any grassland areas should consider native seed mixes that maximise their benefit to biodiversity. Amenity areas could for example be seeded with a flowering lawn mix and managed appropriately achieving a tidy appearance whilst enhancing nectar sources for invertebrates. Overseeding with a species-rich native meadow mix should be considered for areas of retained grassland habitat.
- Inclusion of ecological enhancement features within the development such as bat, bird and invertebrate boxes on retained trees.
- A suitable lighting scheme implemented to reduce lighting to the minimum required for safety and security.

Having assessed the scheme against the Natural England Standing Advice and against the Development Plan, it appears to me that the scope and findings of the appraisal is fair, appropriate and in accordance with the development plan. The recommendations outlined above also appear appropriate and could be secured by planning condition.

#### Planning Balance and Conclusion

Having assessed the scheme carefully, I am not convinced that the proposal is an expansion of the business in the truest sense in that the business is not immediately attached to the existing unit occupied by the applicant and it appears to me that the two planning units would be capable of being operated independently. The sequential approach to site selection is therefore relevant and again I am not persuaded that the site needs a rural location. Additionally given the size and scale of the development, at 154.7% increase in site area, it is hard to see this as being a proportionate expansion in any event.

On the other hand, the proposal would bring about inward investment to the District, bringing with it short term benefits to the construction industry and the local economy. It would sustain existing employees of the business through their relocation, though not in the first instance offer any new employment opportunities at the site once operational. By the applicant's own admission it appears that that main benefit to them is that they simply need more space to make it a more efficient operation but one where I am not convinced needs to be in a rural location. It is likely to

be better fulfilled within a more sustainable settlement with better transport links. Whilst the loss of grade 3 agricultural land could be a negative through a loss of a resource, its true impact is difficult to quantify given it is not known if this is 3a or 3b land and nor is it clear whether the land is likely to be in active agricultural use given its location adjacent to an industrial estate. It remains that the encroachment into the countryside, occupying what appears to be good quality agricultural land, has been demonstrated as necessary nor would it safeguard the best and most versatile land as required by policy.

There would also be some landscape harm arising from the encroachment into the open field adjacent to the industrial estate which could set a precedent for similar forms of development which the LPA could find difficult to resist.

Furthermore there are highway concerns with this scheme regarding the sustainability of the site generally with some of the specific concerns not having been fully addressed. As submitted the scheme does not provide for sufficient onsite parking for the end use, which could result in displacement parking and risks highway safety through HGV's being unable to safely enter/exit the site. The routing of traffic is also of concern including how this is controlled given the weight restrictions on the surrounding roads and that the data provided with this Transport Statement is not robust. These outstanding concerns are a strong negative which tips the balance even further towards refusal.

However notwithstanding the neutral and positive impacts, I have concluded that the proposal is contrary to the Development Plan and when balancing the impacts and considering other material considerations I find that the harm firmly outweighs the benefits and therefore I must recommend refusal.

### Recommendation

#### **That planning permission is refused for the following reasons**

##### Reason for Refusal

01

In the opinion of the Local Planning Authority the proposal does not represent a proportionate expansion of an existing business and the need for a rural location has not been demonstrated. The proposal therefore represents unjustified and unsustainable development in the open countryside and it has not been demonstrated that this would not sacrifice the best and most versatile agricultural land in the district. The proposal is therefore contrary to Spatial Policy 3 (Rural Areas) of the adopted Amended Core Strategy (adopted March 2019) and Policy DM8 (Development in the Open Countryside) of the adopted Allocations and Development Management DPD, which together form the up to date Development Plan for the district alongside the NPPF a material planning consideration.

02

In the opinion of the Local Planning Authority the development would be contrary to the landscape actions and objectives (conserve) set out in the Landscape Character SPD and Core Policy 13 (Landscape Character) of the Amended Core Strategy (ACS). The proposal which is of a significant scale, does not limit development to around the settlements and the existing

established industrial estate is reasonably compacted in a linear arrangement whereas this development would be notably separate being in the adjacent field, representing encroachment into the countryside. This encroachment would represent a material consideration for the remainder of this field to be developed the cumulative impacts of which would be significantly harmful and unsustainable. The development is therefore considered to be contrary to CP13 and Core Policy 9 (Sustainable Design) of the ACS, Policy DM5 of the A&DM(DPD) as well as the SPD on Landscape Character, a material planning consideration. The harm from the encroachment cannot be fully mitigated and there are no positive impacts that would outweigh the harm identified.

03

In the opinion of the Local Planning Authority the proposal represents an unsustainable form of development that risks highway safety through its insufficient levels of parking to meet the needs of the development proposed as displacement parking on the access road would inhibit HGV's from being able to enter and exit the site safely. There are also concerns that the data provided within the Transport Assessment is not robust providing an unreliable basis for proper assessment of the impacts and that given the existing Environmental Weight Limit on roads in the vicinity of the site that would increase the number of HGV's using the road and an acceptable routing plan has not been provided to avoid villages. For these reasons the scheme is considered to be contrary to Spatial Policy 7 (Sustainable Transport) of the adopted ACS and Policy DM5 (Design) of the A&DM(DPD) in that it fails to ensure that new development minimises the need for travel, provides a safe and convenient access, be appropriate for the network in terms of volume and nature of traffic generated, ensure the safety of highway users, provide appropriate and effective parking and service provision and ensure schemes do not create or exacerbate existing problems.

#### Notes to Applicant

01

The application was refused on the basis of the following plans and documents:

- Topographical survey, drawing no. 20-202-01 & 20-202-02
- General arrangement, feed store 2 plans, elevations, sections, drawing no. 8952-CPMG-oo-ZZ-DR-A-2011 P02
- General Arrangement, office plans, elevations, sections, drawing no. 8952-CPMG-oo-ZZ-DR-A-2012 P01
- General Arrangement external works, location plan, 8952-CPMG-oo-ZZ-DR-A-7001 P03
- General Arrangement external works, proposed site plan, 8952-CPMG-oo-ZZ-DR-A-7010 P02
- Design and Access Statement P4
- Planning Statement
- Ecological Appraisal, FPCR, December 2020
- Flood Risk Assessment and Drainage Strategy Rev P03, BSP Consulting, 12 March 2021
- BSP Consulting written response to NCC LLFA objection
- Transport Statement, BSP Consulting, January 2021
- General arrangement drawings Plans and Elevations (weighbridge) drawing no. CPMG-00-ZZ-DR-A-2013 Rev P1

02

The application is clearly contrary to the Development Plan and other material planning

considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively by giving the applicant the opportunity of addressing the concerns.

03

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

#### BACKGROUND PAPERS

Application case file.

For further information, please contact Clare Walker on ext 5834.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**  
**Business Manager – Planning Development**

Committee Plan - 21/00295/FULM

