

PLANNING COMMITTEE – 18 JANUARY 2022

Application No:	21/02386/FULM (MAJOR)	
Proposal:	Erection of commercial storage units and erection of new office with associated parking (resubmission)	
Location:	Staunton Industrial Estate, Alverton Road, Staunton In The Vale NG13 9QB	
Applicant:	Pete Norris Ltd, Midland Feeds	
Agent:	Grace Machin Planning & Property	
Weblink:	21/02386/FULM Erection of commercial storage units and erection of new office with associated parking. (Resubmission) Staunton Industrial Estate Alverton Road Staunton In The Vale (newark-sherwooddc.gov.uk)	
Registered:	10.11.2021	Target Date: 09.02.2022

This application is presented to the Planning Committee for determination given that members previously refused the scheme, that it is a major scheme which has a recommendation of approval (on balance) contrary to the views of the Parish Meeting and a recommendation which represents a departure from the Development Plan.

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

21/00295/FULM – Full planning application for the erection of commercial storage units and erection of new office with associated parking was recommended for approval (on balance) by officers and considered by the Planning Committee in July 2021. Members resolved to refuse the application for the following reason:

In the opinion of the Local Planning Authority the proposal is not small scale and does not represent a proportionate expansion of an existing business and the need for a rural location in the open countryside has not been adequately demonstrated. Although the proposal would bring public benefit by providing economic benefits, the likely creation of new jobs would be in the longer term to the District with initial jobs filled by existing employees from Bottesford (outside the District) through the consolidation of the business to the application site. These benefits are not considered sufficient to outweigh the harm. The proposal therefore represents unjustified and unsustainable development in the open countryside. The proposal is therefore contrary to Spatial Policy 3 (Rural Areas) and Core Policy 6 (Shaping our Employment Profile) 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 National Planning Policy Framework a material planning consideration.

Refused Drawing Numbers:

- o General arrangement, feed store 2 plans, elevations, sections, drawing no. 8952-CPMG-00-ZZ-DR-A-2011 P02
- o General Arrangement, office plans, elevations, sections, drawing no. 8952-CPMG-00-ZZ-DR-A-2012 P01
- o General Arrangement external works, location plan, 8952-CPMG-00-ZZ-DR-A-7001 P03
- o General Arrangement external works, proposed site plan, 8952-CPMG-00-ZZ-DR-A-7010 P02
- o General arrangement drawings Plans and Elevations (weighbridge) drawing no. CPMG-00-ZZ-DR-A-2013 Rev P1

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

The application represents a resubmission of the previously refused scheme. The scheme is identical but has been supplemented with additional supporting information.

Full planning permission is 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 (c929m²) 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 on a farm just outside of 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 239m², 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 m² and 466.62m². 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 instead of the previously proposed triple bay feed store (albeit this was removed from consideration prior to the previous decision).

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 below (the items in **bold** are additional supporting information).

- 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 rev P4
- Ecological Appraisal, FPCR, December 2020
- Flood Risk Assessment and Drainage Strategy Rev P03, BSP Consulting, 12 March 2021
- Transport Statement, BSP Consulting, (amended, version P03) 21 May 2021
- Planning Statement (submitted previously)
- BSP Consulting written response to NCC LLFA objection (not resubmitted)
- General arrangement drawings Plans and Elevations (weighbridge) drawing no. CPMG-00-ZZ-DR-A-2013 Rev P1
- Appeal decision APP/R2520/W/20/3254834 dated 4th May 2021 relating to Thorpe Grange Farm in Auburn (North Kesteven DC) where an inspector considered an outline application (only appearance was reserved) for the erection of industrial and commercial units at Enterprise Park. One of the key issues was whether it was an appropriate location for employment development with particular reference to whether it is classed as a 'Local Employment Site'. The inspector found that whilst the site was open countryside, it was adjacent to the established business park and to expand the site it would have to be into the open countryside in order to allow the business to expand, support economic growth and productivity recognizing the specific locational requirements of different sectors etc. He found this to be in accordance with the Development Plan and allowed the appeal
- Emails 24.05.2021 from agent setting out further commentary on the need for the rural location and 08.06.2021 setting out links with cattle business.
- Plan showing location of cattle sheds.
- **Midland Feeds – Operational Business Overview and Justification for Expansion of Existing Business**
- **Supplier Map**

Departure/Public Advertisement Procedure

Occupiers of 19 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.

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 – The Parish meeting met on the 25th of November with the result below:

Object 5, Support 4, Abstain 3

The reasons for those who were against the proposal were the same as for the previous application:

- 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 would 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 on local roads that have a weight restriction
- There was unanimous concern (including those in support) regarding light pollution. **Those in support wished this to be subject to low level or down lighting on the new development only, as a planning condition.** (The high level bright all night lighting on the recently erected building at Farrell Transport adjoining continues to cause significant concern within the village)

Those in support felt the proposed development, including landscaping, would improve the look of the industrial estate in this rural area and also provide employment.

NCC Highways Authority –Repeat previous advice of no objections subject to conditions pertaining to parking provision, routing agreement and restrictions on any future permitted development.

Previous advice provided on refused scheme: ‘Further information has been submitted, including a revised transport assessment which details the parking provision, the only outstanding concern from Highways since the size of the development was reduced.

23 spaces are indicated. The office requires 7 spaces, but as highlighted previously, 13 staff are indicated within the office. Given the unsustainable location, staff are likely to drive to work. The development is too small for a travel plan to encourage car sharing etc.

Whilst the TA indicates that 8 spaces are required for a B8 use, the intended classification of the development remains unclear. The information submitted with the planning application indicates that a B2 use would suit the proposed description and this would require 17 spaces.

The provision of 23 spaces meets the minimum requirements for office space and B8 storage, with an excess of 8 spaces. However, the information has not addressed the concerns in regard to the offices showing 6 more staff than spaces provided, the lack of clarity over the use class of B8 or B2, nor addressed the indicated retail element of the site and parking spaces required for this. This would require 30 spaces plus any required for the retail use.

If the development is accepted by the LPA as a B8 use, then it is likely that the car parking spaces provided are adequate, even in consideration of retail use. Accordingly, we would have no objection as there would be no overspill parking impacting on highway.’

NCC Lead Local Flood Authority – 31.03.2021 – Confirmed no objection based on the drainage plans submitted subject to condition.

Natural England – No comments to make.

NSDC (Environment Health, Land Contamination) - Advice Note relating to Radon (included in the informatives).

No representations have been received to the resubmission. The scheme previously attracted 4 representations (3 in support and 1 objection which are repeated below given the scheme is identical).

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

As the scheme is identical to the previous scheme the officer appraisal remains largely the same as previously published. Additional commentary is provided where appropriate in **bold**.

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 of 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 four key factors; 1) whether the proposal can be considered to be small-scale, 2) whether the proposal is considered a proportionate expansion of an existing business, 3) whether there is a need for this development to be in a rural location and 4) whether there would be a contribution to ongoing local employment.

Whether the proposal is small-scale

As originally submitted the scheme proposed 2,589m² of new floor space which was reduced to 1,172m² by the omission of the triple bay feed store. Nevertheless, this amount of development and with a land take of 1.04 hectares, I would say is not a small-scale development. Major developments in planning terms are defined by government as those having a floor area of 1,000 m² 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. This element is considered further later in this report.

Whether the proposal is considered a proportionate expansion of an existing business

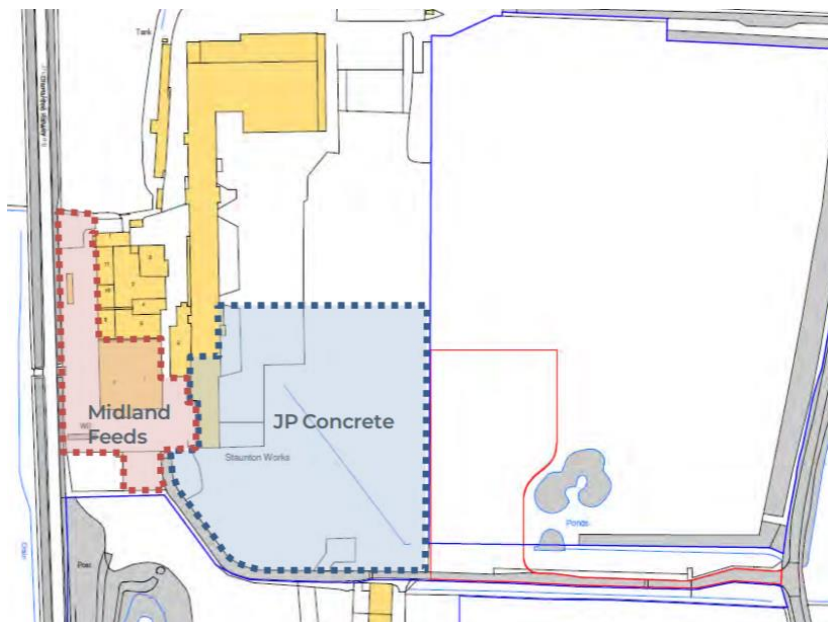
Core Policy 6, underpinning Policy DM8, requires that development sustaining and providing rural employment should meet local needs and be small scale in nature to ensure acceptable scale and impact. Policy DM8 refers to proportionate expansion, so a judgement needs to be reached as to whether the scale 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.

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 points to the fact that the scale of development has now been significantly reduced to a level which they feel is a proportionate expansion of the existing business. They also consider that significant weight should be given to the NPPF and point to an appeal recently allowed within North Kesteven's jurisdiction whereby an inspector considered an outline application (only appearance was reserved) for the erection of industrial and commercial units at Enterprise Park.

One of the key issues was whether it was an appropriate location for employment development with particular reference to whether it is classed as a 'Local Employment Site'. The inspector found

that whilst the site was open countryside, it was adjacent to the established business park and to expand the site it would have to be into the open countryside in order to allow the business to grow, support economic growth and productivity recognizing the specific locational requirements of different sectors etc. He found this to be in accordance with the Development Plan and allowed the appeal. The key and fundamental difference is that in this case the proposal would be contrary to the Development Plan policy (which have different objectives) which is the statutory starting point in decision making and as such this appeal decision doesn't weigh heavily in the planning balance.



As can be seen from the plan extract above, 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. This issue is intertwined with the next issue discussed below.

Whether there is a need for this development to be in a rural location

Midlands Feeds is an established business that manufactures, stores and sells cattle and sheep feed nationwide. To protect animal and human health this is regulated through assurance schemes (universal feed and feed materials) which the company is part of involving safe practices in sourcing, blending, storing and transporting etc. They have contracts for raw materials in the midlands but also have regular suppliers elsewhere and they buy from local farmers. Since gaining the FEMAS accreditation they have been able to procure materials from the food industry thus reducing waste and helping to prevent landfill. There is an increase in these food waste products being offered for sale (pasta, chocolate, cereals, syrups etc) as factories try to reduce waste. Midlands Feeds say it is *'difficult to cope with the demand of taking these products in and having adequate and available storage to facilitate the raw materials. We require a variety of store space throughout the year, storing anywhere between 3000 – 6000 tonnes a year in peak times, both bulk and palletised. We have seen sales increase every year and we are keen to take on more contracts, more staff and to continue to expand the Midland Feeds 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.

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 initially took the view that it was 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 initially 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. Notwithstanding my initial reservations regarding the need for a rural location the applicant maintains that the existing operational site is the best location to expand the business based upon its proximity (adjacent) to the existing business access, operational activity and to provide a natural sense of arrival to a 'business gate-house' office area. They maintain the units would be physically connected to one another by way of access and landownership and are clear that two planning units are not proposed and that the proposal would be ancillary to the existing business.

Based on this, I was not initially convinced that a rural location was necessary and previously considered that the applicant had 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.

Further information was provided regarding the need for the location (emphasis added):

"Midland Feeds Ltd has experienced business growth in the last 5 years and even throughout the pandemic, we have been extremely busy and under pressure to find more stores to accommodate the growth of our business. Existing jobs have been retained and we are wanting to create more jobs in the Newark and Sherwood District. It is an existing rural business in a rural location and would not operate in an urban or edge of urban location. Midlands Feeds needs to be in a rural location. They are a rural business....Their associated business Pete Norris Ltd, produce cattle, using Midland Feeds. They run trials throughout the year to ensure they are producing the best and most effective feed possible. The cattle must be in a rural location. The customers that collect the feed from their site, often in tractors and trailers, also like to see cattle on site, so they can see the effectiveness of the product they are buying firsthand. The nature of the business is totally rural and there are no sites available in the local area that would be remotely suitable."

The link between Midlands Feeds and Pete Norris Ltd was not previously advanced. My understanding is that the associated business is operated by a close family member and there are formal contracts between the two. Pete Norris Ltd has a holding at the Staunton site (to the south of the site) and currently has 150 cattle but can hold 450 at any one time. This being the situation, I accept that this supports the case that the business does indeed need a rural location.

Since the refusal the applicant has explored alternative sites. It should be noted that the applicant appears to have only looked at rural sites bearing in mind their claim that there is a genuine linkage between the feed business and the Pete Norris cattle holding. Evidence of contact made with local land agents has been included with the application. Whilst not all replies have been provided, our own economic growth officers only suggested two sites that would suit the requirements of the business; one of which is now sold STC and the other wasn't yet for sale and offers no benefits over the existing site.

The applicant's state:

'There are several major things that we need to consider when looking for sites; firstly, when renting stores, we must ensure they are TASCC (trade assurance scheme for combinable crops) approved stores. They have certain criteria that they must adhere to enable them to store feed materials safely, ensuring that the storage meets with food/feed safety laws and maintains

traceability. After contacting the accreditation scheme for a list of all the TASCSC stores in the area, they confirmed that we are currently using all the available TASCSC assured stores within in a 15-mile radius of our current site. Secondly, they must be manned and managed accordingly (for example strict controls on sampling, record keeping and temperature monitoring.) With skilled staff in place to ensure quality checks and assurance requirements are met. Thirdly, the stores would also require a Trading Standards accredited weighbridge. Other important factors include the height of the sheds to enable safe processing, loading, and tipping. Finally, as well as the structure of the sheds being suitable for bulk storage, grain concrete walling is required for the storage of the feed material as block/brickwork would not be robust enough to stand the nature of this work. Regarding the other sites that have been described as more suitable for our business needs in the committee report, we have been unsuccessful in locating or identifying anything at all which would meet the needs of the existing business. We have contacted our local estate agents (Richard Watkinson and Newton Fallowell) and have only been advised about one potential piece of land at Sutton on Trent. This was the same site that was suggested by the Economic Development / Growth Team from N&SDC. We also continue to monitor for site availability in the local area by way of Rightmove....'

Points 1 and 2 are within the applicant's gift to deal with if an appropriate site became available albeit it is accepted that there would need to be space for a weighbridge and that the buildings be of an appropriate scale and size. From the information provided it would appear that there are no better sites currently available if looking at rural locations and one accepts that argument that the business relies on the linkage with the livestock adjacent. If that argument is not accepted by Members, I would conclude that the applicant has not demonstrated that more urban areas such as the Newark Industrial Estate have been fully explored and sequentially preferable sites could exist.

Whether there would be a contribution to ongoing local employment

Turning now to employment. 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 previously submitted 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).

The applicants now state that:

"The development would create jobs immediately from the day of permission being granted and going forward. We will be supporting locally based companies and have already had discussion with a structural engineer based in Staunton who will be working with us to erect the buildings, he will require extra employees to carry out his work. We will also be using a local concrete firm also based in Staunton to supply all relevant materials from the roadway, carpark, blocks etc. The whole project will be managed by Midland Feeds and local tradesmen and labourers will be used throughout the building process. Once the development is completed this will give us the space to be able to accept and hold extra material within the site, this in turn would create extra yard staff. An example of this would be a parcel of flour that we were recently offered; we were offered 4,000 tonnes; due to limited space we were only able to bid successfully for 1,200 tonnes as it had to be taken in very quickly from a food factory. The material arrived on pallets in 25 kilo bags, a three-

man team opened the bags over a 4-week period. If we had had the extra space available, we would have been able to buy the full parcel, and this would have given us the opportunity to increase the workforce by either 2 or 3-fold. We are continuing to be offered all sorts of different packaged parcels of material including chocolate, pasta and flour, all of which is labour intensive to rip and tip. Our current office space is at capacity, however on top of extra employment to yard operatives, with extra parcels of material this creates extra work within the office, also creating further jobs and enabling our expanding business to continue to grow.”

Officers accept that at construction phase there would be some economic benefits through temporary construction jobs and at operational stage it is plausible that jobs would be created as the company expands which would offer some additional employment benefits albeit these are unquantifiable at this stage.

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 application were to be approved so long as further appropriate levels of parking could be provided.

Loss of agricultural land

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, taking a precautionary approach one could assume the land is Grade 3a quality land. The loss of an additional 1.04ha of Grade 3 agricultural land would be 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. This is particularly the case given that the land was restored from its previous quarrying history and given its location adjacent to the industrial uses.

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 900m² with the office building being smaller in scale at 6.35m to ridge height and having a

footprint of 238.90 m² (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 could 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. They raised concerns that the TS deducted the vehicle 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 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. Further transport information has also been provided.

NCC Highways Authority remain unclear as to how the use should be categorised (B2 or B8) and consequently how many parking spaces ought to be provided. I take the view that the site would be in a mixed use. I note that 13 staff are indicated as being within the office. The application previously clarified there would be no processing of feed on the site and I take the view that the grain stores therefore should be considered a B8 (storage and distribution) which require 8 spaces (together equating for 21 spaces). As 23 spaces are shown this appears to be satisfactory and NCC HA have commented that if we were to accept that the site would operate as B8 use the parking spaces would be adequate even if there were an element of retail use (the office plan shows a payment lobby where it is assumed customers would visit to collect their goods) and they would have no objection as there would be no overspill parking impact the highway. I consider that a condition to ensure the use of the site remains as advanced would be reasonable given the parking implications outlined.

NCC have previously stated they would require an acceptable routing agreement to be submitted and that it is unlikely that routing to the south, through the villages to the north of the A52 would be acceptable. This is a matter that can be controlled by condition.

Residential Amenity

Given the site's isolated location in the countryside, 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 likely to be found given the environment such as badgers, water voles, great crested newts and the habitat was not considered suitable for these. Plants that are food for some species of Section 41 butterfly species were found on site and 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.

Economic Factors

The applicant has been keen to impress that it is essential that this business is supported. They say that Midlands Feeds have been taking on bigger contracts of material, which is getting increasingly difficult to manage, and they have simply run out of room on a weekly basis. They take on all available auxiliary stores in the local area. Often those that are required are unavailable or those available are inadequate. They say that this application is about rural economic growth and productivity and refusing the application would severely hinder the business which wants to invest

in its Newark & Sherwood site. They also state that they have taken on stores as far away as Sewstern (Melton area) which they say is not environmentally friendly, nor cost effective for the business and too far away to maintain and manage our quality assurance checks. The extension they ask for is required as they have outgrown their existing offices and are unable to take on more staff or progress to the next level because of not being able to accommodate office staff. New contracts are being offered all the time and they require units for storage urgently.

They also comments that in recent weeks they have taken a contract from a flour mill for the over production of flour for human consumption for the use in their feeds and have had to accommodate 700 tonnes of material that wasn't particularly planned for but that will be extremely good feeding material for cattle and sheep. They comment that it has been very difficult to find storage for this amount of material at short notice which is often the case in their line of work. They also state that they are having to turn down contracts that require more staff because of their inability to expand. They also mention that they have a new staff member starting in the office who will take their last available seat with the director no longer having a seat and working remoting to free up space. Without more space they are unable to create more jobs.

Planning Balance and Conclusion

Development in the countryside is strictly controlled and requires careful scrutiny. Having assessed the scheme carefully, I have concluded that the scheme is not small-scale nor proportionate to the existing business which is seeking to expand. This is contrary to the Development Plan. Notwithstanding that, I accept that whilst the proposed expansion site is not directly adjacent to the existing site there would be some linkages between the two and following the submission of further information I am inclined to accept that the business would require a rural location given the linkage with the associated business which relies on cattle grazing which could not reasonably occur in an urban/industrial area. As such I am persuaded that the sequential approach to site selection is passed. **Members previously did not accept this and it for you to consider whether the additional information provided has persuaded you otherwise.**

I am also mindful that 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. It appears that that main benefit to the applicant is that they simply need more space to make it a more efficient operation. However longer term I accept there may be employment opportunities that arise as the business grows. I consider that the economic factors weigh in favour of the scheme.

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.

There would be some landscape harm arising from the encroachment into the open field adjacent to the industrial estate which, had it not been for the rural location requirement, could otherwise have set a precedent for similar forms of development which the LPA could find difficult to resist.

Following the submission of further information I am now satisfied that the parking provision is satisfactory and NCC Highways Authority raise no objection on highway safety grounds so this is neutral in the planning balance.

Whilst the scheme is contrary to the Development Plan (in terms of its size and proportionality), there are factors that are material planning considerations which are capable of overriding it in this instance. Officers have accepted that the site requires a rural location to get the best out of its proper functioning and thus there are no better sites available than which is located close to its existing operation within our district. Some degree of landscape harm is inevitable in accepting the need for the development, a harm which I do not consider need be fatal to the scheme. The impacts of the development are acceptable in terms of highway impacts. The size and scale of the proposed business are indicative of the success of a rural business which on balance I consider should be supported particularly in the current (pandemic) climate and I give significant weight to the economic factors which have been advanced. I find that all of the factors have tipped the balance to an approval **and this remains my professional view. However it is for Members to consider whether the additional information advanced is persuasive to overcome the previous concerns and reasons for refusal.**

Recommendation

That planning permission is approved subject to the following conditions:

Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application.

Reason: In the interests of visual amenity.

03

Prior to first occupation of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include

full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;

- proposed finished ground levels or contours;
- any means of enclosure;

- car parking layouts and materials and other hard surface materials; and
- other vehicle and pedestrian access and circulation areas.

Reason: In the interests of visual amenity and biodiversity.

04

The approved soft landscaping shall be completed during the first planting season following the first occupation of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation or use.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

05

The development hereby approved shall be carried out in accordance with the details contained within the Flood Risk Assessment and Drainage Strategy dated 12 March 2021 by BSP Consulting.

Reason: In order to ensure that surface water on the development site is managed appropriately in accordance with the details submitted as part of this application.

06

No part of the development hereby permitted shall be brought into use until the parking areas shown on the drawing 'General Arrangement external works' reference 8952-CPMG-oo-ZZ-DR-A-7010 P02 are constructed in accordance with details agreed as part of Condition 3 of this permission and they are made available for parking. The provision parking shall be kept available for parking at all times and retained for the lifetime of the development.

Reason: To ensure that adequate parking provision is made available at the appropriate time in the interests of highway safety.

07

The development hereby approved shall not be brought into use until a routing plan relating to heavy goods vehicles associated with the use has been submitted to and approved in writing by the Local Planning Authority. Vehicles within the control of the applicant/occupier shall thereafter operate in accordance with the approved routing plan.

Reason: In order to limit the numbers of HGV's using the road network that are subject to the existing Environmental Weight Limit in the interests of highway safety.

08

No part of the development hereby approved shall be brought into use until an Ecological Enhancement Scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall build upon the recommendations set out in the Ecological Appraisal, by FPCR, dated December 2020 which formed part of the application and set out details of how this will be managed. The approved enhancement measures shall be implemented on site prior to first occupation or to an alternative timetable embedded within the scheme and shall thereafter be retained for the lifetime of the development.

Reason: In order to provide new high-quality foraging opportunities for locally present bat and bird species, enhancing the overall ecological value of the site in line with the requirements of the Development Plan, the NPPF and in line with the applicants own submission.

09

Prior to first occupation details of any external lighting to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution for nocturnal wildlife. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development.

Reason: In the interests of ecology and visual and residential amenity.

010

The buildings hereby approved shall be used for offices and storage/distribution uses and for no other purpose, including any other use falling within class B1(a) and B8 of the Schedule to the Town and Country Planning (Use Classes Order) 1987 or the Town and Country Planning (General Permitted Development) (England) Order 2015, or in any provision equivalent to that Class or Order or in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of ensuring appropriate levels of parking are provided pursuant with those uses in the interests of highway safety.

011

The development and use hereby permitted shall be occupied and carried out only by Pete Norris Ltd/Midland Feeds. When the premises cease to be occupied by the named applicant in this condition, the use hereby permitted shall cease and the buildings shall be removed and the site restored to its current condition.

Reason: In recognition of the special circumstances of the development, namely that the business is an expansion of an established business at the site that requires this rural location, without which the Local Planning Authority would not have been prepared to grant planning permission.

012

The development hereby permitted shall not be carried out except in accordance with the following approved plans, reference:

- 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
- General arrangement drawings Plans and Elevations (weighbridge) drawing no. CPMG-00-ZZ-DR-A-2013 Rev P1

Reason: So as to define this permission.

Notes to Applicant

01

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

03

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/m³). Given the above it would be prudent for you 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.

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.

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 21/02386/FULM

