



Report to Planning Committee 10 November 2022
 Business Manager Lead: Lisa Hughes – Planning Development
 Lead Officer: Laura Gardner, Senior Planner, ext. 5907

Report Summary			
Application Number	22/01573/FULM		
Proposal	Erection of a new packing building		
Location	Featherstone House Farm, Mickledale Lane, Bilsthorpe		
Applicant	Strawson Ltd - Mr Strawson	Agent	Fisher German LLP - Mr James Borley
Web Link	22/01573/FULM Erection of a new packing building Featherstone House Farm Mickledale Lane Bilsthorpe (newark-sherwooddc.gov.uk)		
Registered	11.08.2022	Target Date	10.11.2022
		Extension of Time	14.11.2022
Recommendation	Approve, subject to the conditions set out in Section 10.0 following the expiry of the consultation period and subject to any additional consultation responses not raising new material planning considerations		

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as it represents a departure from the Development Plan where the Officer recommendation is one of approval.

1.0 The Site

The application site relates to an L-shaped plot of land of roughly 0.93 hectares in extent which forms part of a wider established agricultural business for the storage of grain and crops alongside workshops, offices and a vegetable packing and storage operation. As is demonstrated by the submitted site location plan, the wider business and areas of nearby agricultural land are within the ownership of the applicant.

The site has a number of agricultural style buildings already located on site, some more modern than others. To the north and east of the proposed building there are various agricultural buildings sited including a building used for offices/reception area. Immediately

adjacent to the application site is a large modern building (constructed of pale green metal sheet profiling) which has recently been extended.

The site is outside of the village envelope for Bilsthorpe and therefore within the open countryside albeit it is in close proximity to the edge of the settlement. The opposite side of Mickledale Lane (the point of access for the site) features residential development which falls within the village envelope. The rest of the settlement to the east is intervened by an agricultural field and Rainworth Water (which forms the eastern boundary of the wider site).

Part of the site access falls within Flood Zone 3 according to the Environment Agency maps albeit this does not affect the area of the site where built form is proposed.

2.0 Relevant Planning History

The planning history for the site is extensive spanning back to the 1970s:

18/01202/FULM - Extension of an agricultural building. Approved 08/08/2018

16/00574/FULM - Erection of a new cold storage unit within grounds of established agricultural site. Approved 30/06/2016.

08/00063/FUL – Proposed single storey office extension (to front of site) approved 27/03/2008.

04/00393/FUL – Extension to vegetable grading and storage building. Approved 19/04/2004.

99/50141/FUL – Variation of condition 1 of OUT/931139 – Approved 17/04/2000

95/50160/FUL – Erect garage and storage building. Approved 28/07/1995

74860085 – Erection of general purpose agricultural storage building. Approved 26/03/1986.

74890473 – Formation of soil bank for planting. Approved 23/05/1989.

747952 – Construct a steel portal framed structure cladding asbestos etc for general purpose storage of farm produce and machinery. Approved 03/04/1979.

742171 – Grain and potato store with grain dryer. Approved 22/03/1982.

74880760 - Erect buildings for the production and storage of grain and potatoes. Approved 12/08/1988

74850114 – Grain store extension to existing building. Approved 02/04/1985

74871018 – Steel framed agricultural building for potato storage and general farm use. Approve 23/12/1987

7477187 - Erect steel portal framed structure clad in asbestos for storage of farm produce.

Approved 26/04/1977

3.0 The Proposal

The application proposes a new packing building measuring 114.2m by 31.6m creating approximately 3,608.7m² of additional floor space. The building would measure around 10.6m to the ridge and be positioned to the west of an existing building within the site. It would be clad using the same materials as the existing adjacent building. The building would be used for the packaging of carrots.

The application has been considered on the basis of the following plans and documents:

- Supporting Planning Statement by Fisher German;
- Flood Risk Assessment dated June 2022 – 22124-FLD-0101 Rev. A;
- Site Location Plan – 133464-001-001-A;
- Existing and Proposed Block Plan – TEC-3541 Rev-1;
- Elevations – TEC-3541 Rev-1.;
- Proposed Packing Extension – QD27166.

4.0 Departure/Public Advertisement Procedure

Occupiers of 11 properties have been individually notified by letter. A site notice has also been placed at the site and an advertisement displayed in the local press.

Site visit undertaken on 25th August 2022.

5.0 Planning Policy Framework

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 12: Biodiversity and Green Infrastructure
Core Policy 13: Landscape Character

Allocations & Development Management DPD

Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM8 – Development in the Open Countryside
Policy DM 9 – Protecting and Enhancing the Historic Environment
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2021
Planning Practice Guidance (online resource)

6.0 Consultations

Rufford Parish Council – Consultation expiry 17th November 2022 due to late consult. Any comments received after agenda print will be reported to Members through the late items schedule.

Bilsthorpe Parish Council – Noted. No notes.

NCC Highways - On the basis that the proposed building would house a new function (cleaning & packing), for produce which is already delivered to the site and which would not result in any further staff above and beyond what the site has previously employed, the Highway Authority offer no objections.

NCC Flood Team – No objection subject to condition.

No letters of representation have been received.

7.0 Comments of the Business Manager – Planning Development

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

Principle of Development

The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

The NPPF supports a prosperous rural economy which states that planning decisions should enable sustainable growth and expansion of businesses in rural areas through conversion of existing buildings and well-designed new buildings.

The Settlement Hierarchy within the Core Strategy outlines the intended delivery for sustainable development within the District. Primarily the intention is for further growth to focus on the Sub- Regional Centre of Newark before cascading to larger Service Centres such as Ollerton and Southwell and then to the larger villages of the District referred to as Principal Villages (of which Bilsthorpe forms one of). At the bottom of the hierarchy Spatial Policy 1 confirms that within the rest of the District development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). SP3 goes on to confirm that,

development away from the main built-up areas of villages, in the open countryside, will be strictly controlled and restricted to uses certain uses as outlined by Policy DM8.

The site lies in the open countryside albeit close to (on the very edge of) the settlement of Bilsthorpe. The site is an existing business based on agriculture which operates as a storage and distribution centre for crops which are supplied to the major supermarkets. The rationale behind the application submission to provide a new packing building for the packaging of carrots. Currently the carrots are supplied dirty but due to changes in supermarket requirements this building is required to clean and package the carrots. It is stated that the building will not increase the tonnage of carrots from the site but will add additional value to the operation already taking place, supporting the existing farming enterprise. A total of 10-15 new jobs are likely to be created to support this process.

Policy DM8 outlines a number of criteria whereby it may be appropriate to allow development in the open countryside including agricultural development requiring planning permission and rural diversification amongst others. In respect of agricultural development there is a requirement for proposals to demonstrate the need for the development, its siting and scale in relation to the use it is intended to serve.

The applicant has been asked to provide further explanation to the scale of the proposed building and confirm that none of the other buildings on site could serve the proposed purpose. A plan of the internal machinery layout has been provided which Officers accept justifies the scale of the building.

There is no doubt that the purpose of the building would be connected to agricultural practises. However, clearly it would be part of a wider agricultural enterprise which represents rural diversification. Policy DM8 is support of proposals to diversify the economic activity of rural businesses where it can be shown that they can contribute to the local economy but also that they are complimentary and proportionate to the existing business in their nature.

The application submission confirms that the proposal would amount to the creation of 10-15 jobs and allow the business to meet the changing requirements in suppliers demands. On this basis it is accepted that the proposal would contribute to the local economy and that the practises within the building would be complimentary to the existing business.

The matter of proportionality is difficult to assess on a site such as this where the business has clearly evolved significantly over the years. Taking on face value against the existing floor space on site, the new building, despite its significant footprint could be considered as a proportionate addition (estimated at an approximate 15% increase). However, as is detailed in the planning history above, there have already been recent approvals for large scale buildings within the site.

Overall, the increases over the years are not considered proportionate to the scale of the original business. This is perhaps unsurprising noting that the business was established in the 1970s and clearly agricultural practises and their associated enterprises have evolved significantly since that time. Taken purely on a footprint basis, the proposal would not represent a proportionate expansion when compared to the original operations and

therefore would not be supported as an expansion of a rural enterprise through Policy DM8. The proposal has been advertised as a departure on this basis.

It is noted that the agent disagrees with this approach based on the aforementioned advice within the NPPF (in respect to the growth of rural businesses). It is noted that the NPPF postdates Policy DM8, however the NPPF relates to the *sustainable* growth and expansion of businesses in rural areas. It is implicit that in order to be sustainable, the expansion would need to be proportionate as per the requirements of Policy DM8. I therefore do not consider that the policy requirements of DM8 run contrary to the NPPF.

Notwithstanding the above, taking a pragmatic approach and as an alternative means of assessment, proportionality could also be considered in the context of the proposed use of the building. As is described by the additional information provided, the size of the building is considered reasonable to allow for the business to expand to meet supermarket demands. The outcome of the process (cleaning and packing of carrots) would be proportionate to the wider enterprise on the site however I am mindful that once approved it would be difficult to control exactly what the building were to be used for.

The scale of the building is significant and thus in my view cannot reasonably represent a proportionate expansion in footprint terms when compared to the scale of the original business. Whilst there is merit in assessing proportionality by other means, overall, it is considered that strictly speaking the development would be contrary to Policy DM8 in principle. Nevertheless, it remains to assess the proposal against the remainder of the Development Plan in order to inform an appropriate balancing exercise.

Impact on Landscape and Character

The site is located within the Sherwood Policy Zone 9 (Old Clipstone Estate Farmlands) landscape character area which generally has an undulating topography where landscape condition and sensitivity is described as moderate giving a landscape action of 'conserve and create' as per the Landscape Character Assessment which is an evidence base for Policy CP13.

The proposed building would be to the west of existing buildings within the site but would not encroach further westwards than existing buildings positioned to the north. Nevertheless, the site and thus the proposal would be potentially visible in the wider landscape including from the A614 to the west.

The building would be located within the confines of the existing complex in the sense that it would be on an existing area of hardstanding and adjacent to an existing large storage building on an area of hard standing. There is existing mature vegetation surrounding the site particularly to the south-east where there is a dense belt of trees etc. between the wider site complex, and the adjacent field and to the west the existing bunding and vegetation affords good screening. The overall height of the proposed building would be marginally lower than the adjacent buildings to the east. Thus, in vantage points where the building is visible, its impact would be similar to the established landscape impacts of the existing buildings within the wider site.

In terms of the materials, it is proposed that these would match the existing building and therefore would assimilate well within the site.

I consider therefore that the impact on the landscape to be minimal and conclude that the proposal would conserve the landscape character as required by CP13. In terms of the 'create' element of the policy this looks for opportunities to secure areas of heathland and small woodlands where appropriate. I do not consider it would be appropriate or proportionate in this instance to require this given the existing vegetation surrounding the site. I therefore consider the proposal accords with CP13 and DM5 in this regard. Likewise, I consider the impact on ecology would be negligible and the proposal accords with CP12 and DM7 and CP12.

Impact on Highways

SP7 requires developments to minimize the need for traffic, provide safe and convenient accesses for all and be appropriate for the highway network in terms of volume of traffic and the nature of the traffic involved amongst other things. The submitted Supporting Statement confirms that the development will potentially create 10-15 new employees but that the overall impact on the employment within the site will be comparable to pre-brexit levels (when the site had more manual processes).

The access arrangements are to remain as existing. There is ample space within the wider site for parking for the additional employees (and indeed sustainable modes of transport would be available noting the proximity to Bilsthorpe). I have identified no adverse impacts to the highways network which would warrant concern.

Other Matters

The site lies within flood zone 1 which is at lowest risk of flooding although the access to the site is within Zone 3, at highest risk. Due to its size a Flood Risk Assessment was submitted with this application. The building itself would take place in Zone 1 and would be a 'less vulnerable' use according to the NPPF. The FRA shows that the fluvial flood risk is very low and acceptable. I consider that the proposal accords with CP10 and the NPPF in flood risk terms. NCC as the Lead Local Flood Authority have raised no objections subject to a condition seeking further details of surface water drainage. The agent has responded to these comments stating that surface water will be collected by the existing site wide drainage infrastructure. However, NCC have confirmed that this is insufficient detail for a major scheme and continue to recommend the condition is imposed.

8.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

9.0 Conclusion

The proposal is to erect an additional building in line with the agricultural enterprises within the site. When noting the significant size and scale of the proposed building, it is not considered that the proposal would represent a proportionate expansion of the existing rural enterprise and therefore the proposal would be contrary to Policy DM8.

However, the building would be positioned within the existing confines of the site on an area of existing hardstanding and would follow the design principles of existing large scale buildings within the wider site. The practises within the building would not have a material impact on the highways network. No specific harm other than the in principle objection has been identified.

The proposal would lead to the creation of 10-15 jobs which is significant in rural employment terms particularly when acknowledging the proximity of the site to Bilsthorpe. On balance, the support for rural employment is considered enough to outweigh the in principle objection. This judgement is made on this site specific basis in that the operations within the building are considered proportionate to the wider practises within the site even if the size and scale of the building itself are not.

10.0 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 not be carried out except in complete accordance with the following approved plans reference:

- Existing and Proposed Block Plan – TEC-3541 Rev-1;
- Elevations – TEC-3541 Rev-1.
- Location Plan 133464-001-001-A

Reason: So as to define this permission.

03

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.

04

Notwithstanding the provisions of Article 3 of the Town and Country Planning Use Classes Order 1987 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any orders revoking or re-enacting these Orders) this permission shall only permit the premises to be used in connection with the existing agricultural enterprise operating from the site (for the cleaning and packing of agricultural products) and for no other use or purpose.

Reason: In the interests of amenity and to afford control over matters such as HGV vehicle movements that may be more intensive with alternative uses.

05

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy., has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

Reason: A detailed surface water management plan is required to ensure that the development is in accordance with National Planning Policy Framework and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

Informatives

01

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with 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.

BACKGROUND PAPERS

Application case file.

Committee Plan - 22/01573/FULM

