

PLANNING COMMITTEE – 12 JANUARY 2021

Application No:	20/00636/FULM	
Proposal:	Erection of extension to existing warehouse/distribution centre to create additional floorspace for B8 use (storage and distribution), parking and associated works	
Location:	Lineage Logistics, Belle Eau Park, Bilsthorpe, Newark On Trent, NG22 8TX	
Applicant:	Yearsley Group Ltd	
Agent:	Miss Hannah Payne – WSP	
Registered:	27.05.2020	Target Date: 26.08.2020
	Extension of Time Agreed Until 15th January 2021	
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q9735ULBGY300	

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as the proposal relates to a significant level of employment which is considered a matter of significance to the District. Moreover, the development represents a departure from the Local Development Plan.

The Site

This application relates to a 13.26ha site which is located within the open countryside, to the east of Kirklington Moor. The site is in two sections. Part of the site is on an existing industrial area, known as Belle Eau Park, the other is a field which until recently has been used for agriculture. The main access is taken from Kirklington Road.

The site is found at the end of a controlled access road with the built form set back from the road. The site accommodates large warehouses and offices to the north-east and broadly centrally within the site. The remaining site to the north is hard surfaced and provides a servicing area, informal storage, HGV and car parking for the business. The site also encompasses a field which sits to the south east of the access road, between the built form and the A617 Kirklington Road.

The application site is relatively flat. There is a steep embankment to the rear of the industrial building which forms the northern eastern boundary. The remainder of Belle Eau Park borders and extends beyond the northwest boundary of the site. There are a small number of houses adjacent to the Park and open fields adjoin all other boundaries of the site.

There are trees within and around the perimeter of the site. The site is not within or close to a sensitive area. The Redgate Woods and Mansey Common Site of Special Scientific Interest is the ecological designation in closest proximity to the site and is located 1km north east of the site. The closest heritage assets to the site can be found on the Hexgreave estate which is over 800m south of the application site. The entire site lies within flood zone 1 outside the functional floodplain.

Relevant Planning History

The development falls outside of Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA) but does represent a site of over 0.5 hectares and an industrial project and therefore has been assessed under Schedule 2 of the Regulations under separate reference **20/SCR/00005**. The decision was that an EIA is not required to consider the application.

The most relevant planning history for the site is as follows:

20/01446/NMA – Application for non-material amendment to planning application 15/01135/FULM to allow amendment to phasing -Application for the Variation of conditions 2, 4, 6, 16, 17, 18, 19, 23, 24, 25 and 29 attached to planning permission 14/01782/FULM Erection of a total of 26,200sqm floorspace (GIA) for B8 use (storage and distribution) including 1,550sqm ancillary office space (Use Class B1), the construction of a ground mounted solar farm totalling 2.2ha in size and associated works. The rationale behind the application is to allow amendments to the solar farm element of the scheme.

Application approved August 2020. The NMA related to the revised order of Phasing to move the solar farm from Phase 1 to Phase 3. The application was approved on the basis that the early delivery of the solar farm was not crucial to the approval of the original application.

15/01135/FULM - Application for the Variation of conditions 2, 4, 6, 16, 17, 18, 19, 23, 24, 25 and 29 attached to planning permission 14/01782/FULM Erection of a total of 26,200sqm floorspace (GIA) for B8 use (storage and distribution) including 1,550sqm ancillary office space (Use Class B1), the construction of a ground mounted solar farm totalling 2.2ha in size and associated works. The rationale behind the application is to allow amendments to the solar farm element of the scheme.

Application approved by Planning Committee in August 2015.

14/01782/FULM - Erection of a total of 26,200sqm floorspace (GIA) for B8 use (storage and distribution) including 1,550sqm ancillary office space (Use Class B1), the construction of a ground mounted solar farm totalling 2.2ha in size and associated works.

Application approved by Planning Committee in December 2014.

It is understood that the development has been part implemented but not in full. The solar farm element has not been implemented.

The Proposal

The application seeks full planning permission to extend the existing warehouse / distribution centre. As detailed in the submitted Planning Statement, the proposed development includes:

- Redevelopment of the existing cold store units in the northern part of the site to provide a new 34.2m high 6,880sqm (GIA) high bay cold store warehouse;
- A 6,075sqm extension to the existing retained cold store including the creation of 25 loading docks;
- 931sqm loading bay extension to the existing retained warehouse to the north to create 13

- loading docks;
- Creation of 132 additional employee and visitor parking spaces; and
- Associated works to hardstanding and landscaping.

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

- Existing Site Plan – MP_00_2000;
- Existing Site Roof Plan – MP_00_2010;
- Proposed Site Plan – MP_00_2200 Rev. B;
- Proposed Site Roof Plan – MP_00_2210 Rev. A;
- Proposed Coldstore Ground Floor – MP_00_3201;
- Proposed Coldstore Roof Plan – MP_00_3202;
- Proposed Coldstore Extension Ground Floor – MP_00_3203;
- Proposed Coldstore Extension Roof Plan – MP_00_3204;
- Proposed Loading Bay Extension Ground Floor – MP_00_3205;
- Proposed Loading Bay Extension Roof Plan – MP_00_3206;
- Existing Site Plan Planning Comparison – MP_00_4200 Rev. B;
- Existing Site Elevations – MP_02_2000;
- Existing Site Elevations – MP_02_2001;
- Proposed Site Section – MP_02_2200 Rev. A;
- Proposed Site Elevations – MP_02_2200 Rev. C;
- Proposed Site Elevations – MP_02_2201 Rev. A;
- Site Location Plan – MP_00_1200;
- Site Plan – Drainage Strategy – HC-20149-(30)-001;
- Illustrative Masterplan – M90222_L100;
- General Arrangement Sheet 1 of 4 – M90222_L200;
- General Arrangement Sheet 2 of 4 – M90222_L201;
- General Arrangement Sheet 3 of 4 – M90222_L202;
- General Arrangement Sheet 4 of 4 – M90222_L203;
- Arboricultural Implications Assessment by Mulberry – TRE/BEP/Rev A dated 13 April 2020;
- Arboricultural Method Statement by Mulberry – TRE/BEP/Rev A dated 13 April 2020;
- Daylight Sunlight Report Rev 1 by aaprojects dated April 2020;
- Design and Access Statement by Jon Matthews Architects Issue No. 02 dated 06.04.2020;
- Drainage Strategy by Healey Consulting – 20149 dated March 2020;
- Ecological Assessment by EcologySolutions 6443M.EcoAss 4.3.20 dated March 2020;
- Flood Risk Assessment by Weetwood Final Report v1.1 dated April 2020;
- Initial Travel Plan by TTHC – M19136-03C TP dated October 2020;
- Landscape and Visual Appraisal (and associated appendices) by open;
- Noise Assessment by wsp – 70069516-001/R01 dated May 2020;
- Phase I Geo-Environmental Site Assessment by e3p – 10-371-r1 dated September 2014;
- Phase II Geo-Environmental Site Investigation by e3p – 10-371-r2 dated March 2015;
- Planning Statement by WSP dated May 2020;
- Remediation & Enabling Works Strategy by e3p – 10-371-R1 dated April 2015;
- Remediation and Enabling Works Validation Report – 10-371-r1 rev 4 dated February 2016;
- Transport Assessment by TTHC – M19136-01b TA dated April 2020;
- Transport Management Plan by TTHC – M19136-02a TMP dated April 2020;
- Written Scheme of Investigation: Archaeological Strip Map and Record by prospect archaeology dated January 2015;
- Ecology Solutions letter dated 3rd July 2020 – 6443M/JS/GH/let.001.ne;
- Ecology Solutions letter dated 14th August 2020 - 6443M/JS/GH/let.001.nwdc;

- tthc Response note to LHA – M19136-05 dated August 2020;
- wsp Belle Eau noise assessment – Actions to address NSDC comments dated 18th August 2020;
- VIA response_OPEN_200904 letter dated 4th September 2020;
- Heritage Response by wsp received 20.10.2020;
- Visuals from Viewpoints 2-5 received by email dated 10th December 2020.

Departure/Public Advertisement Procedure

Occupiers of 26 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.

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy
 Spatial Policy 3 – Rural Areas
 Spatial Policy 6 – Infrastructure for Growth
 Spatial Policy 7 - Sustainable Transport
 Core Policy 6 – Shaping our Employment Profile
 Core Policy 9 -Sustainable Design
 Core Policy 12 – Biodiversity and Green Infrastructure
 Core Policy 13 – Landscape Character
 Core Policy 14 – Historic Environment

Allocations & Development Management DPD

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 Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance (online resource)

Consultations

Kirklington Parish Council – Object for the following summarised reasons:

- Agree with concerns from neighbouring residents and Noble Foods;
- Ongoing long term issues with health and safety concerns at Belle Eau Park;
- Opportunities to address residents’ concerns have not been taken;

- No further progress has been made since an initial meeting with Lineage;
- Perception that company are unwilling to take responsibility for issues directly resulting from operations;
- Concern that issues will worsen will increased lorry numbers;
- Issues to noise and damage to a road already in a poor condition;
- Kelham Bridge isn't fit for purpose for the volume of traffic;
- Sheer scale of the development is concerning in terms of the height of the new building.

Bilsthorpe Parish Council – Object for the following summarized reasons:

- Bilsthorpe PC would like to fully support Kirklington PC in their decision to object to the application with particular issues highlighted;
- Lack of safe footpaths for pedestrians in the vicinity of the site location;
- Lack of signage for drivers in direction and where HGV are restricted;
- The state of the roads and verges from damage by HGV's, needs addressing before expansion of activity;
- Review of local road junctions, are they appropriate and can they be improved;
- Noise pollution needs addressing;
- Lighting pollution needs addressing;
- Need for management of the rubbish created and left on the roadside;
- We feel that Lineage need to work with and listen to local residents concerns and agree actions to alleviate these concerns.

NSDC Environmental Health (contaminated land) – No objection subject to condition.

NSDC Environmental Health (noise) – Original comments raised issue in relation to the noise report but these have been resolved and the latest comments confirm no objection subject to condition.

NSDC Conservation – Concerns throughout the application regarding the level of heritage assessment submitted. The latest comments still raise concern regarding the level of impact to Hexgreave Hall and ultimately find less than substantial harm to Hexgreave Hall and the Bilsthorpe Conservation Area.

Historic England – No comments.

NSDC Archeological Advisor – No further archaeological input is required for this application.

NSDC Tree Officer - Proposals are broadly acceptable but recommendation for more comprehensive landscaping to the north side of the site to mitigate tree loss and to provide greater screening and increased biodiversity.

NSDC Economic Development – Support this development.

NCC Highways Authority – Original comments requested further information be supplied in relation to baseline, and future employee trip generation and the associated parking demand but this has been provided during the life of the application and the latest comments raise no objections subject to conditions.

Comments on latest Travel Plan suggest further works required.

NCC Flood - No objection subject to condition.

Natural England – Original comments requested further assessment on water quantity impacts on SSSI but this has been provided during the life of the application and the latest comments raise no objections.

Nottinghamshire Wildlife Trust - Original comments suggesting detailed Landscape and Biodiversity Management Plan be provided prior to decision but later comments accepting no objection subject to condition.

12 letters of representation have been received, objecting to the proposals for the following summarized reasons:

- The Ombudsman had concerns with the amenity assessment of the previous Committee report;
- The whole of Belle Eau Park is influenced by Linage's activities;
- HGV drivers park overnight without toilet facilities whilst 'resting' before entering the site;
- The site lies within Kirklington, not Bilsthorpe and this should be reflected by the policies which the application is assessed against;
- The 2.5m acoustic barrier along the boundary of Belle Eau Park Farmhouse referred to in the submitted plans does not exist making the conclusions of the assessments invalid;
- The architects scale and massing drawing implies there are additional industrial units to the west but there is a residential garden to the west;
- References to the site as a larger industrial estate are not reflective of the eight smaller businesses which are locally owned and operated;
- It is not clear how further industrial development will fit with the residential development approved at the Noble Foods site;
- The application makes reference to good links to motorway traffic but the motorway junctions are between 13 and 15 miles away;
- The extent to which the development would contribute to local employment is not substantiated;
- The traffic movements are an underestimation on the reality – there should be an independent assessment;
- The height of the proposed cold store would have a much more pronounced effect on the landscape;
- Noise from vehicles entering and leaving the site already adversely affects neighbouring residents including noise from traffic on the uneven road surface - it is not clear that this is reflected in the noise assessments;
- The proposed built form may amplify the sound;
- Artificial light intrudes on neighbouring residents;
- Approval of the existing lighting was managed poorly;
- The mass of the proposed cold store will act as a large reflector for lighting;
- A number of existing conditions are not being complied with;
- Two local properties have been flooded in recent years and the buildings have considerable roof areas;
- Neighbouring residents are already affected by noise, traffic, inappropriate parking, antisocial and unsanitary behavior and recurring property damage;

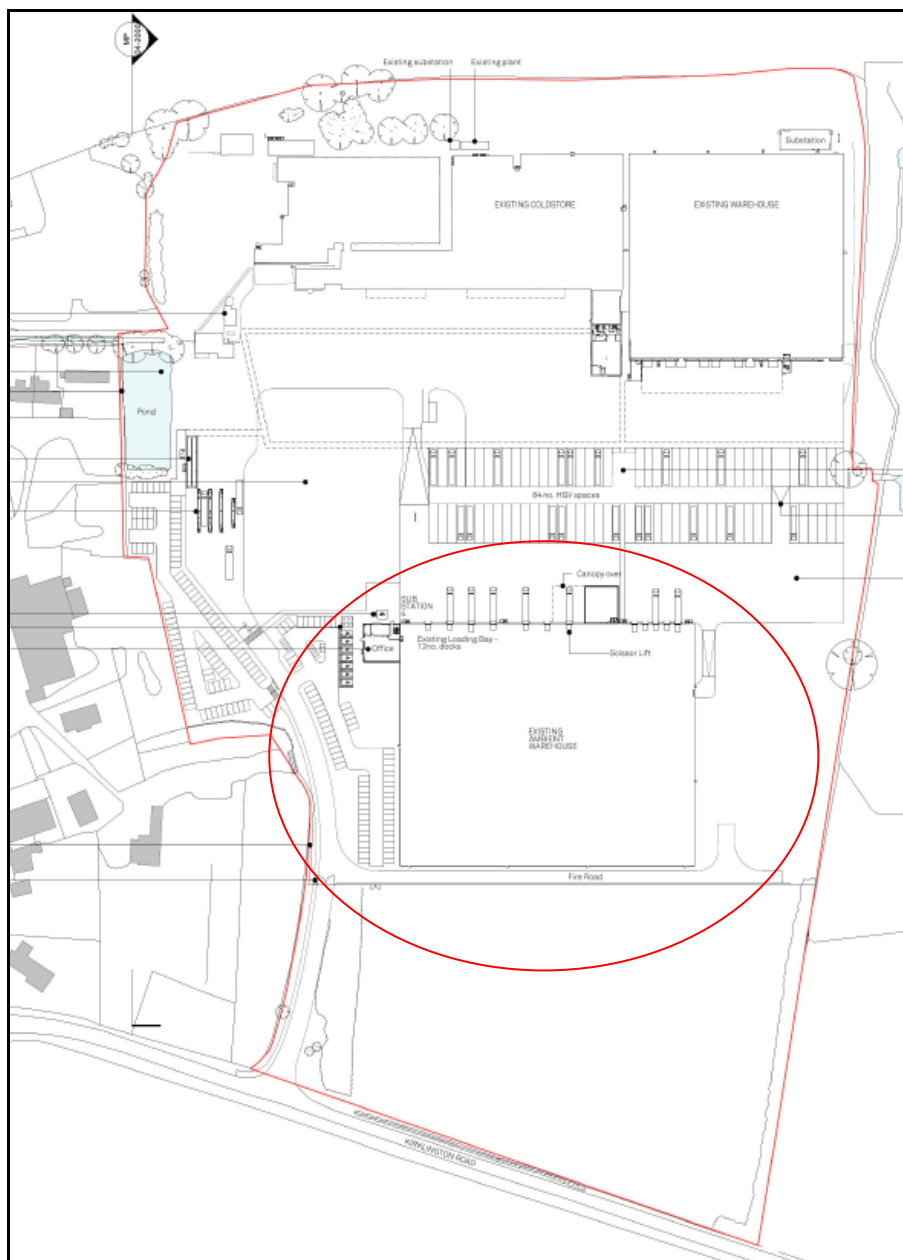
- Lineage refuse to engage with residents to address concerns;
- There are problems with low water pressure and local flooding;
- The application is misleading and factually incorrect;
- The signage to the site is very poor leading to confusion over the two entrances (Lineage can only be accessed via the East entrance);
- The number of lorry movements per day is not explained in terms of if / whether they were measured during a decreased service through the coronavirus outbreak;
- Lorries regularly travel through Bilsthorpe;
- Some parts of Brackner Lane are not wide enough for two lorries to pass making it unsuitable for lorries;
- Accidents are underrepresented and should include all accidents on the A617;
- Lorries park outside residential houses sometimes for 2-3 days;
- The traffic management plan suggests that it has been agreed with local residents but this is not correct;
- Lineage have repeatedly shown they cannot enforce the drivers code of conduct;
- The location of the receptor was 30m away from the indicated location;
- Experienced noises are much higher than the assessments suggests – any expansion will make the impacts worse;
- Works at Noble Foods will increase the amount of surface water draining to an existing dyke increasing surface water flooding;
- Residential properties are not given proper consideration in any aspect of the planning application;
- The proposals appear to have been written to comply with the expectations of planning officers but with no attempt to depict things truthfully;
- The operations run 24 hours a day and disturb sleep;
- The enlarged premises will naturally increase traffic causing problems on the existing country lanes – the upgrade to the A617 has never happened;
- Extra vehicles will lead to more rubbish;
- There is no pavement on Brackner Lane;
- Lorries are eroding the verges on Brackner Lane;
- Making the new building taller will add to how out of place it looks;
- There is enough industrial development and enough is enough;
- The area has already been spoilt beyond recognition;
- The travel plan is highly aspirational and need not be given the level of current employment;
- There is no reference in the noise assessment to vehicles entering and leaving the site;
- There is no response to the ecological consequences of not building the solar farm;
- Over the past couple of months, noise levels have gotten much worse;
- Residents are being put at greater risk of COVID by drivers not adhering to social distancing;
- The 2015 Travel Plan doesn't seem to have made much difference;
- There is not a proper assessment as to whether the new buildings will be visible from heritage sites like Hexgreave Hall;
- The heritage report does not properly assess topography;
- There is no assessment of the type of trees that are claimed to screen the building;
- Drivers are using the wrong entrance as a lorry park;
- No action to driver behavior has been taken in the 8months since the application was submitted;

- Drivers often use the area as a lorry park;

Comments of the Business Manager

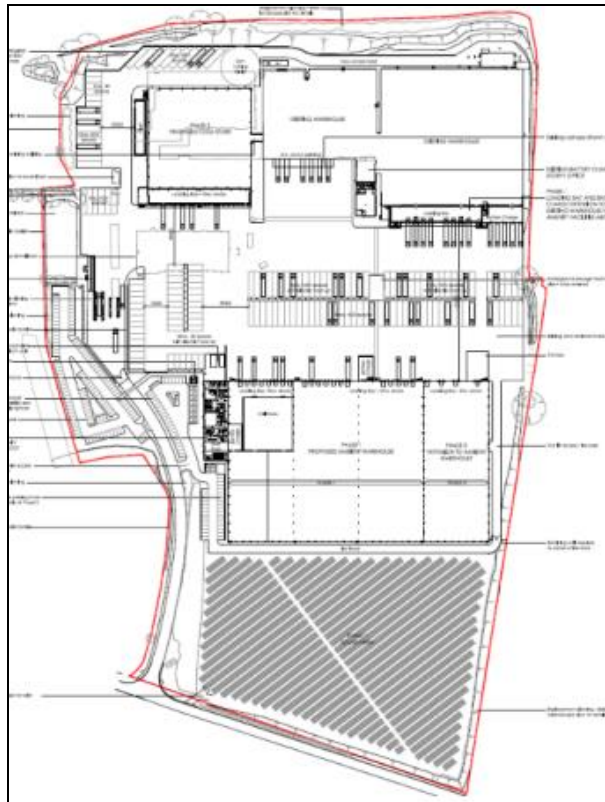
Planning History

Whilst details of previous applications on the site have been included above, it is considered pertinent to begin the assessment of the current application exploring the significance of the previous approvals on the site in the context of the fallback position which exists. The previous approval for the erection of a significant amount (26,200m²) of B8 floor space has been implemented in part thereby making the whole permission extant. Circa 13,804m² of the approved ambient warehouse has been erected (i.e. the building towards the south of the site as indicated by the red circle below)



Application site as existing

The current application submission confirms that the originally proposed solar farm is no longer a viable option moving forwards due to the gradient of the landscape. The plans below show the principle differences between the extant scheme and the application now for consideration:



Application approved under reference 15/01135/FULM



Application currently proposed under reference 20/00636/FULM

The floor space uplift proposed is 7,290m² in comparison to the extant scheme and 9,605m² compared to what is currently built on site.

For clarity, irrespective of the extant permission which exists on the site, the current proposals are clearly fundamentally different and therefore require a thorough assessment against the Development Plan.

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 Adopted Development Plan for the District is the Core Strategy DPD (2019) and the Allocations and Development Management Policies DPD (2013). The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 1 (Settlement Hierarchy) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. Applications for new development beyond Principal Villages as specified within Spatial Policy 2 will be considered against the 5 criteria within Spatial Policy 3. However, Spatial Policy 3 also confirms that, development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Direction is then given to the relevant Development Management policies in the Allocations and Development Management DPD.

Policy DM8 of the Allocations and Development Management Document states that *'proposals for the proportionate expansion of existing businesses will be supported where they can demonstrate an ongoing contribution to local employment. Such proposals will not require justification through a sequential test'*. This approach is supported by Core Policy 6 which seeks to retain and safeguard existing employment areas.

Rural Employment

Paragraph 83 of the NPPF states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Paragraph 84 goes on to acknowledge that sites to meet local business and community needs in rural areas may have to be found beyond existing settlements in locations not necessarily well served by public transport.

Belle Eau Park is a long established facility in the open countryside which comprises both industrial and residential uses. The Yearsley Group (which was acquired by Linage Logistics in November 2018) has operated from the site since 2008. The current operations from the site employ around 330 employees in various roles such as administration, office staff, warehouse operatives, management and HGV drivers. The site is used by Brakes as their National Distribution Centre for both frozen and ambient goods storage. The ambitions of the current application are to also allow expansion into the storage of chilled goods. It is presented that without the current application proposals, Brakes may be required to seek alternative premises elsewhere potentially creating job losses in the District.

The proposed development is anticipated to generate 170 new roles which is significant to the rural context of the site and demonstrates an ongoing contribution to local employment as required by Policy DM8 and supported by Core Policy 6 and the NPPF.

However, it remains the case that Policy DM8 also requires proposals to amount to a '*proportionate expansion*' of the existing business. The justification text for the policy acknowledges that the expansion of any given site is likely to be limited at some point by the impacts on the countryside.

There is no doubt that the site forms part of a longstanding brownfield employment site and that the proposal would be situated on existing developed land. Paragraph 8.13 of the submitted Planning Statement confirms that the existing facility within the site is 32,029m². This figure does not represent the entirety of floor space approved through the extant scheme.

The Council's aerial photography extracted below show that the site has changed significantly in recent decades:



Aerial photograph from 2001



Aerial photograph from 2013



Aerial photograph from 2016

Whilst the current application is correctly presented as representing an additional 7,290m² in floor space when compared to the extant scheme, clearly the extant scheme in itself represents a significant expansion to the 2013 position and indeed an even more significant expansion to the 2001 position. The application form for the original 2014 application confirmed that at the time of the application submission, the existing gross internal floor space on the site was 20,820m². The application included some areas of demolition such that the approved net additional floor space was 19,550m² thereby already representing an approximate 94% increase in floor space. The additional 7,290m² proposed through this application would therefore take the increase to approximately 129% of the pre-2014 position (and clearly even greater when compared to the original scale of the site evidenced by the 2001 aerial above).

It is my view that the *extant* scheme represents the very upper cusp of what could reasonably be considered to be a proportionate expansion purely in floor space terms. Clearly, the floor space calculations do not show the whole picture given the proposed height of the buildings (as

discussed further below). If volume calculations were considered as well, then it is likely that the percentage increases would be significantly higher.

There is no direction in Policy DM8 as to how proportionality should be assessed. Whilst scale is considered to be an appropriate starting point, it could also relate to operations within the site and increased activity.

At the time of the 2014 application submission, the level of full time employment at the site was accounted as being 220 employees. The application form for the current application has already confirmed that this has since increased to 330 (an approximate 50% increase) but that moreover, the current proposal would create an additional 170 jobs thereby an approximate 127% increase on the pre-2014 position.

It is fully acknowledged that the above represents a largely mathematical assessment. However, when read in the context of the application submission it is clear that the current proposals have been submitted to allow for expanded operational requirements of the occupier which has '*grown exponentially since the establishment of the business*' (para. 6.2 of the Planning Statement).

Officers consider that the current application would tip the balance towards being a disproportionate expansion in the open countryside and therefore the principle of development would not be accepted by Policy DM8. Nevertheless, it clearly remains necessary to assess the application against the entirety of the Development Plan in order to be able to undertake an appropriate balancing exercise.

Impact on Landscape

The justification to policy DM8 states that '*expansion of viable business and recreational uses will be supported subject to site specific assessment. It should be recognised that the expansion of any given site is likely to be limited at some point by its impacts on the countryside*'.

The site is identified within the Landscape Character Assessment as being within the Mid Nottinghamshire Farmlands area. The landscape condition for this area is assessed as being very poor as the 'area has an incoherent pattern of elements composed of arable fields, industrial buildings, busy roads, agricultural buildings, chicken sheds, and caravan sites; there are many detracting features including a section of the A614, Scrap yard and recycling area, caravan park, poultry houses, disused coal workings and industrial units. Overall this gives a significantly interrupted area'. The recommended Landscape actions are to **create**:

Landscape Features

- **Create** new hedgerows and restore existing, seek opportunities to recreate historic field pattern where feasible, contain new development within historic boundaries.
- Maintain management of existing woodlands, plantations and pit planting, whilst enhancing tree cover and planting generally to **create** increased visual unity and habitat across the Policy Zone.
- Utilise existing industrial nature of site and **create** suitable agricultural/industrial developments.

Built Features

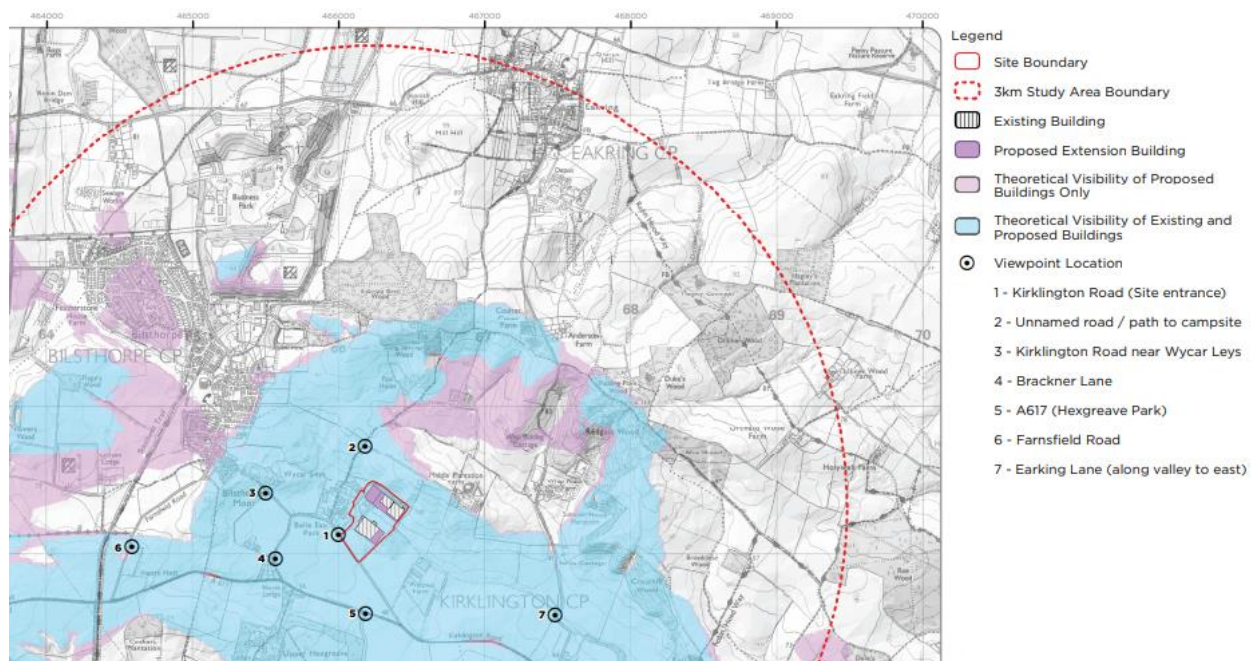
- **Create** new industrial economy within the area.
- **Create** new areas of planting in order to minimise impact of industry on character of Policy Zone.'

There is the opportunity for the proposal to meet the aspirations of the policy zone by creating new industrial economy in an existing industrial site.

As with the extant scheme, the proposal would have a significant visual impact. The extensions would be read in the context of the existing industrial buildings which include buildings of a significant scale. However, the proposed cold store towards the north west of the site would be approximately 34m in height. This is *significantly* taller than any other buildings within the site (the approved ambient store is 20m in height).

The applicant has confirmed that the height of the proposal is dictated by the operations within the proposed cold store. There would be a racking system of 3m stack increments. The applicant has confirmed that due to the requirements of the occupier, there is no capacity to reduce the height of the proposal and therefore it is on this basis that the application must be considered.

The original application was accompanied by a Landscape and Visual Appraisal (LVA) to consider the application in respect to potential effects on the landscape character and the visual amenity of the principle visual receptors. The assessment focuses on 7 viewpoints as extracted below:



There are a number of photomontages included which demonstrate the indicative visual impacts of the proposal, notably the introduction of the 34m high cold storage unit to the north of the site. The concluding section of the report summarises the findings as follows:

“Landscape Appraisal

The results of the LVA conclude that the effects on landscape elements would be negligible. Effects to landscape character would be minimal within the wider landscape and when assessed in detail, landscape character effects of the LPZ (MN PZ 27) Kirklington Village Farmlands were assessed as having a Minor level of effect largely to the north of the site.

Visual Appraisal

The visual appraisal concluded that the effects of the proposed development from many areas of the surrounding landscape would be at a negligible or minor level due to the existing large scale warehousing on site which substantially moderates the visual effect. In particular the existing recently built Ambient Warehouse which screens views of other parts of the site in views from the south. The introduction of the 34m high Cold Store unit to the north of the site would result in slightly higher levels of visual magnitude (where visible) due to its increased height against the existing buildings. The taller Cold Store unit would be most visible largely to the north of the site from elevated views but would also be seen by the residential properties found within Belle Eau Park as an increase in height to the existing Cold Store buildings. These visual effects would occur within a well-established industrial backdrop and the LVA found these visual effects to be of a moderate level.

Although there will be an increase in built form resulting from the extension of the existing buildings, the proposed development will be screened from many of the principal visual receptors in the wider surrounding landscape context by a combination of existing vegetation and other industrial buildings on the site. As a result, it is considered that the proposed development does not result in substantial changes to the local landscape character or key visual receptors.

It is recommended that whilst the visual effects are considered to be at worst of a moderate level, the visual appearance of the proposed development large scale warehousing and storage units be sensitively finished with cladding that compliments the existing structures and seeks to minimise visual effects. The use of cladding which has a graded appearance with darker shades closer to the ground and lighter shades at the tops of structures has, in OPENS view, been successful at helping to minimise the visual effect of large structures such as those proposed."

The methodology employed in preparing an LVA requires a level of technical expertise. Therefore in the interests of robust decision making, Officers have sought an independent review of the submitted document (at the cost of the applicant) during the life of the application.

The initial response of the appointed consultant, Via East Midlands, is available to view in full as part of the application background papers. The response raised a number of significant issues which can be broadly summarized into the following:

- The significance of landscape effect should be described as greater than minor adverse;
- A Landscape and Biodiversity Management Plan should be provided;
- Clearer definitions of susceptibility of different types of receptors should be provided;
- An assessment of the visual impact of the construction stage should be submitted;
- A number of visual impacts have been underestimated;
- More account should be taken of the visual impacts on residential receptors in the Belle Eau Park area;
- The significance of landscape effect has been underestimated;
- An assessment of cumulative impact should be made.

The concluding paragraph confirmed that Via East Midlands could not support the proposed scheme because of the scale of proposed built form (namely the cold store) which would break the ridgeline in views from the south and south west and the skyline in views from the north east.

Since the original response there has an ongoing dialogue between the relevant landscape experts with additional correspondence submitted from both parties. The latest evidence submitted on behalf of the applicant comprise further visuals which were received on 10th December 2020. These show the proposed development against the extant and existing scenarios. The orange dots outline the existing buildings; the orange block is what could be built through the extant scheme and the grey shading is what is proposed by this application over and above the extant scheme. This has been done for viewpoints 2; 3; 4 and 5.

Prior to the submission of this information, Via East Midlands and the applicants consultant had a clear difference in professional opinion in respect to viewpoints 2 and 5 (and also the overall landscape impact). However, on reflection of the latest information, Via East Midlands have conceded that the only viewpoint now in dispute is viewpoint 2. The applicant’s consultant regards the impact from this viewpoint as being moderate adverse whereas Via East Midlands still contend the impact should be regarded as major/moderate adverse. Part of the reason for drawing this conclusion is the visual impact for the users of the nearby public right of way. For completeness, the photomontage for this viewpoint is included below (again to clarify, the orange block is what could already be built and the grey shading is what is proposed by the current application):

Viewpoint 2:



The applicant’s consultant contends that,

“Ultimately, the cold store building would be seen as a slightly taller addition to an existing / consented suite of industrial units which have a much larger overall footprint and would limit visibility of the proposed development for the majority of the surrounding agricultural landscape. In OPEN’s opinion it would not materially alter the distinct, recognisable and consistent pattern of elements of the landscape character receptor being considered.”

The LPA’s consultant have already acknowledged that the extent of influence of the proposed development is localized as a result of the encircling topography. However, the area of visual influence covers the majority of the Policy Zone, and there any landscape effects would subsequently also affect the majority of the Policy Zone.

To clarify, even on the basis of the latest evidence, Via East Midlands consider that the landscape impact as a whole has been underestimated and should be regarded as moderate adverse rather than minor adverse as presented by the applicants consulted. In the case of viewpoint 2 included above, it is the susceptibility of the receptor that is underestimated leading to a greater level of visual effect (major/moderate adverse rather than moderate adverse as presented by the

applicant). There would also be a major moderate adverse visual effect on close residents which is discussed further below in the amenity section.

The LPA have specifically sought independent advice in order to allow a robust assessment of the proposal. Having taken account of the applicant's case, Officers concur with the independent assessment. The increase in height cannot reasonably be considered as a 'slightly taller addition' and thus the resultant character conclusions are called into question.

In the context of the identified moderate landscape effects and corresponding major / moderate adverse visual effects, Officers have identified landscape harm which would result in the proposal being contrary to Core Policy 13 and the corresponding Landscape Character Assessment. This will be weighed in the overall planning balance undertaken below.

Impact on Design

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

The design of the proposal is understandably functional to the end use. The Design and Access Statement confirms that the driver for the size and scale of the proposed cold store (the largest element at the north of the site) is to provide a modern fully automated distribution centre which helps to future proof the site and jobs and far exceeds energy efficiency and sustainability of the existing buildings. It is presented that the height of the building helps to maintain the cold temperature due to the convection currents in the space.

The proposed mass of the building has been divided into a top, middle and bottom with the shading of cladding changing from light grey at the top to darker at the bottom (specific RAL colours are given) much like the design of the existing ambient warehouse on site. The intention is that the colour of the building will then better blend with the horizon and visually break down the scale of the building (notably a recommendation of the submitted LVA). The proposal also details that existing buildings will be sprayed grey to match the new elements which is welcomed as it will assist in unifying the masses of the built form within the site (which at the moment is somewhat mismatched representing the staggered evolution of the site) as well as reduce the visual prominence of the existing buildings.

There is no objection to the design approach in principle. It is accepted that the scale is governed by the proposed end use and that the varying shades of cladding assists in reducing the visual dominance of the proposal (notwithstanding the overall landscape impacts discussed in the preceding section).

Impact on Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

Belle Eau Park is an unusual site in that it has evolved with a mixed use of residential and industrial uses within close proximity to one another. Neighbouring land uses have been demonstrated on the proposed site plan showing that the closest residential property to the proposed built form would be approximately 48m away (distance to 3 Belle Eau Park to the north west of the site). There are other residential properties close to the site outside of Belle Eau Park (namely the dwelling known as Middle Plantation House and Robin Hood Retreat Caravan Park to the north east) but the amenity impacts would be less pronounced to the latter due to the intervening distances of over 300m.

The development has the potential to introduce a number of adverse amenity impacts. Namely, the maximum height of the proposed building at the north of the site would be 34.2m which clearly has the potential to impose an overbearing impact. In addition, the proposal includes 132 additional car parking spaces which would likely increase the comings and goings to the site potentially imposing greater issues of noise and disturbance.

Dealing firstly with potential overbearing impacts, it is acknowledged that the residential properties within Belle Eau Park have a long established relationship with industrial uses. This includes buildings of significant scale such as the development approved and now part implemented through the extant permission. However, the current scheme is fundamentally different insofar as the proposed cold store extension at the north of the site would be around 34m in height, some 14m higher than the existing ambient warehouse (positioned broadly centrally within the site).

The application has been accompanied by a 'Daylight Sunlight Report' which is welcomed in terms of assisting assessment of the potential impacts. Essentially this report uses 3D computer modelling to assess the proposed development in relation to the BRE guidelines on daylight and sunlight for the selected windows to the adjacent residential accommodation. Assessment is divided into a 'Vertical Sky Component (VSC)' and 'No Sky Line (NSL)' which is explained in simple terms in Appendix B of the document:

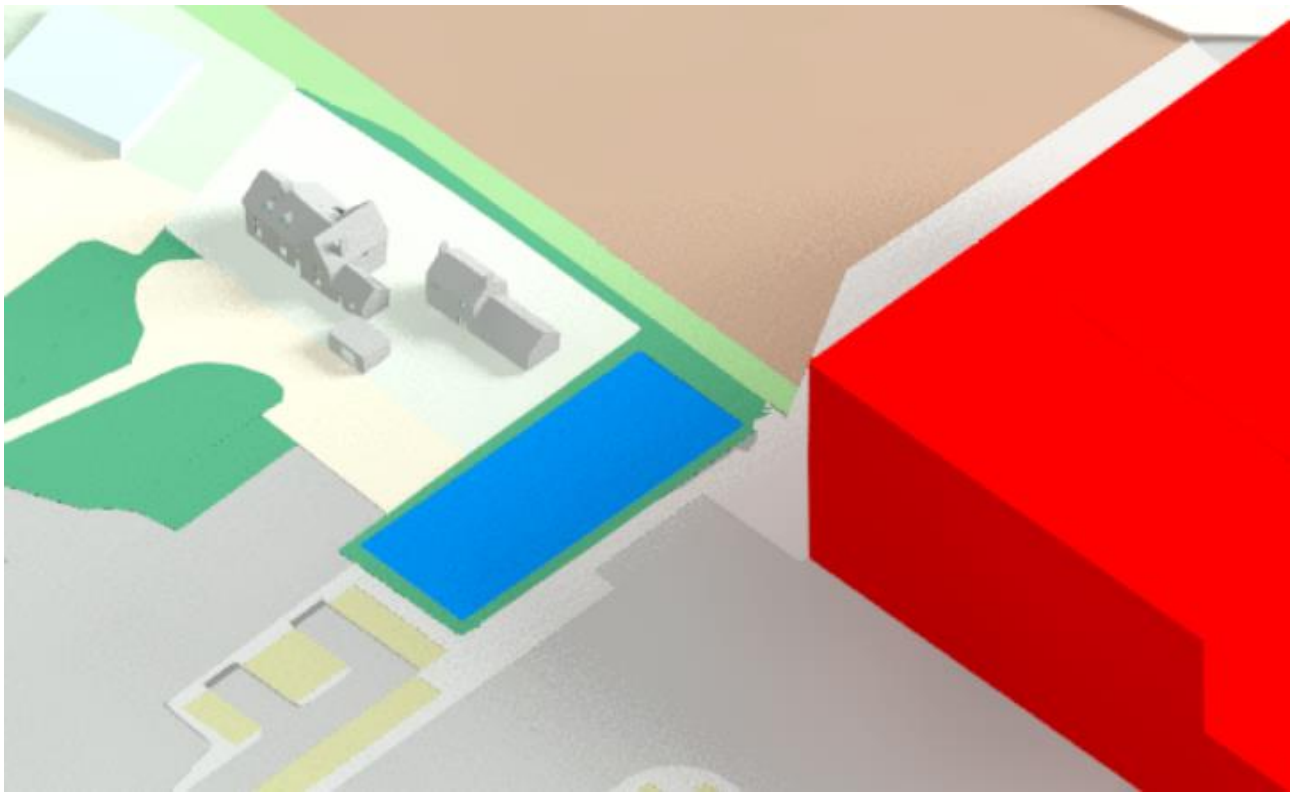
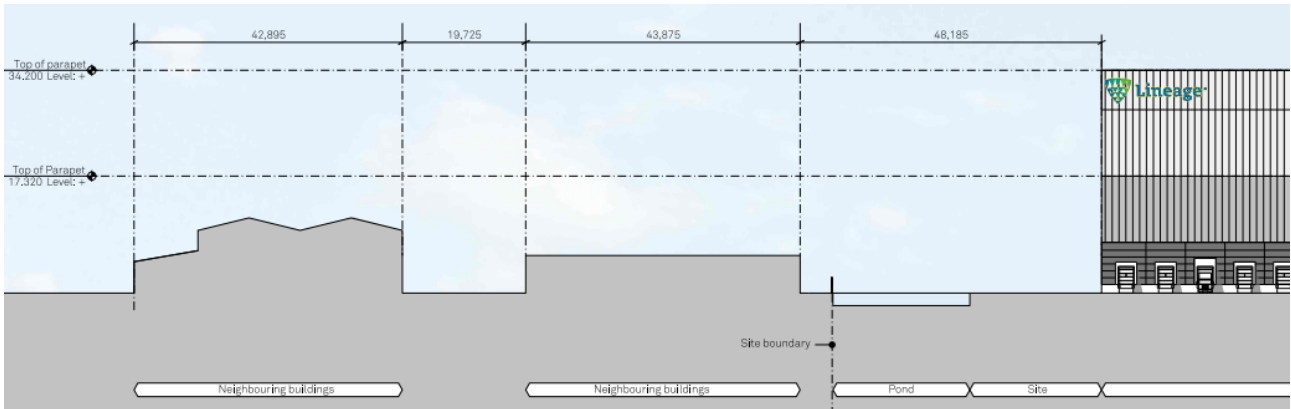
"VSC and No-Sky Line are in a sense complementary. VSC is a measure of the potential for good daylighting—does the front face of a window receive adequate daylight and by how much is it reduced? No-Sky Line on the other hand, by examining what happens to daylight when it enters a room through the windows serving it, attempts to answer the question, how is the daylight and its distribution impacted within a room?"

The report concludes that:

"The results against the BRE criteria demonstrate 100% compliance with regard to Vertical Sky Component (VSC), No Sky Line (NSL) (daylight distribution) and Annual Probable Sunlight Hours (both summer and winter). The proposed development would therefore have no material impact on either daylight or sunlight levels in neighbouring properties."

The technicalities of this document are not disputed. Officers have discussed the document with Environmental Health colleagues and their informal comment is that the BRE document is based on a suburban environment and may not have been intended for use as a planning tool. Nevertheless, the assessments within the document, when read alongside the submitted Design and Access Statement are considered to represent a useful tool on which to base assessment.

The report includes visuals of the proposal including a cross section of the proposed development with the closest dwellings and massed model views (the one included below being broadly aligned north).



Taking account of the orientation and movement of the sun, the residential dwellings indicated above should largely be unaffected by overshadowing during the majority of the day. This is explored by the submitted Design and Access Statement which includes shadowing diagrams based on sunlight for March 21st. This shows that, although the residential properties and their gardens would be in shadow at 8am, by 10am (and the for rest of the day), the shadow cast from the building would not significantly affect their curtilages:



8am



10am



12pm

However, there is no doubt that the gardens associated with the dwellings will be subject to an overbearing impact through the sheer scale of the proposed extensions. This is referenced in the comments of Via East Midlands in respect to the visual impact of the proposal and seemingly accepted as an impact of the scheme by the 4th September rebuttal letter from the applicant's landscape consultant:

"In clarification of these effects and based on the analysis in the LVA as quoted above, it is considered that these residential properties have a medium-high sensitivity to the proposed development and that the magnitude of change would be medium, resulting in a major-moderate visual effect."

This must in my view weigh negatively in the overall planning balance undertaken below.

As identified above, the proposal is likely to have other amenity implications including increased noise and activity as well as light spill from any necessary security and operational lighting (which has unfortunately been an issue in the past). The application does not include any details of additional lighting albeit it would be reasonable to condition that if lighting is required then details are submitted prior to its installation.

The application submission includes a noise assessment considering noise from the operational site incorporating the development proposals. The report confirms that the site operates on a 24 hour basis with the exception of the hours between 21:00 on a Saturday and 05:00 on a Sunday. Clarification of typical operation hours is provided as follows:

- Loading activities typically commence at 01:00 hours, with vehicles beginning to leave the site from 04:00 hours.
- Goods in typically arrive from 06:00 to 12:00 hours, with some third party operator goods in also arriving between 22:00 and 23:00 hours.
- Vehicles typically return to site between 12:00 hours and 18:00 hours.
- Day supply vehicles typically leave the site between 01:00 and 11:00 hours.
- The last HGVs for night supply typically leave between 23:00 and 00:00 hours.

The assessment contends that:

An assessment of future on-site vehicle movements and service yard activities has identified that with the implementation of mitigation in the form of additional perimeter screening, the increase in prevailing ambient noise levels will, at worst, be barely perceptible and of minor impact at the closest noise sensitive receptors.

Environmental Health colleagues have assessed the noise report submitted as detailed in the consultation section above. Their original comments raised a number of issues with the report which were passed to the agent. Of particular note is the conclusion that it would not be appropriate to simply condition new external plant noise levels as it would potentially create a problematic situation if sufficient levels cannot be achieved when it comes to discharge the condition. The original report also included no calculation of the level of reduction afforded by the mitigation levels outlined for the increase in noise levels experienced at the sensitive receptors from onsite vehicle movements and service yard activities. Neighbouring comments have also been received stating that the previous noise mitigation secured by the extant permission are not in place on site making the conclusions of the noise assessment invalid.

The agent has responded to the concerns through a memo dated 18th August 2020. This includes details of further assessment work including in relation to external fixed mechanical and electrical plant as well as on site vehicle and service yard operations. A further note has also been received specifically in relation to the neighbouring concerns relating to increased traffic movements.

The detail essentially concludes that the additional cars applicable to the current application may result in a 0.6dB increase over the noise levels generated by the currently permitted car movements albeit this is caveated that lesser changes will be experienced in reality due to the influence of other ambient noise sources. No additional mitigation has been proposed over and above the earlier noise assessments.

The latest comments from Environmental Health colleagues accept the additional information submitted but do suggest a number of conditions which would need to be imposed if permission were to be otherwise forthcoming. These include mitigation measures such as acoustic fences and testing of plant once operational to ensure they generate appropriate noise emissions.

To clarify, it is not considered reasonable to condition hours of operation given that the site already operates on a 24 hour basis without restriction (albeit operationally there is a break in use between 21:00 on a Saturday and 05:00 on a Sunday).

Impact on Highways

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision and seeks to ensure no detrimental impact upon highway safety.

As is required for a scheme of this nature, the application has been accompanied by a Transport Assessment (TA). As well as the additional floor space proposed which would expand the operations within the site, the proposal includes 12 additional HGV loading bays (as part of the loading bay extension) and an additional 132 car parking spaces which would provide parking for employees and visitors associated with the proposed additional floor space. For clarity, the application does not propose any alteration to the existing site access road or its junction with the public highway.

The TA qualifies that the proposed net increase in floor space will result in a daily increase of 47 two way vehicle movements which would be spread over the course of the day (noting the 24 hour operations of the site already referenced in the preceding section). It is also presented that the additional floor space would allow for a more efficient overall system thereby reducing the 'empty' trips but in order to present a robust assessment, these reductions have not been included. In terms of HGV activity for the extended site as a whole, the daily total movements would be 206 in each direction.

The agent has qualified further with the following assessment comparing existing; extant and proposed movements in the peak hours:

HGV Movements during the Highway Peak Hours

	HGV Movements	
	AM Peak	PM Peak
	(0800-0900)	(1700-1800)
Existing	8	12
Extant	+3	+3
Proposed	+1	+2
Total	12	17

Note that the 'Extant' shows the HGVs of the 'approved floorspace yet to be built'. The 'approved floorspace already operational' HGVs are included within the existing flow. The split between the two was calculated on a pro-rata basis relative the respective GFAs.

In addition to the TA, the application has been accompanied by a Transport Management Plan to inform HGV drivers accessing the site regarding the existing restrictions in the area and setting out a 'HGV Drivers Code of Good Practice.' Notably, HGVs are restricted from driving through the western segment of Kirklington Road towards Bilsthorpe. Appendix A of the document shows the HGV restrictions and the approved access routes to the site whilst Appendix B details the aforementioned Code of Practice.

The application has been assessed by colleagues at Nottinghamshire County Council as the Highways Authority. Their original comments sought additional information to be supplied in relation to baseline and future employee trip generation and associated parking demand.

The applicant has responded to the comments via a response note undertaken by tthc. These comments contend that the implications of the additional employee movements on the local highways network would be minimal (partly due to reliance on shift working meaning not all employees would be on site at any one time). In respect of parking demand, the response contends that the level of parking provision has been informed by the Operator who has experience in the existing site and how the proposed site is intended to operate.

NCC have responded to the latest note ultimately accepting that the parking provision is reasonable and that in a case where a shortfall were to occur, there is space within the overall site to address this through the Travel Plan monitoring. The comments also comment on the traffic generated from the development:

I am also satisfied that the increase in traffic generation is reasonably low and largely outside of peak traffic times. This is both in relation to HGV's and staff cars.

The National Planning Policy Framework states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". It is considered that the impact in this case could not be described as severe.

Understandably the traffic movements associated with the proposed development have been raised as a cause of concern during the consultation process. There is an acceptance by Officers that the location of the site in the open countryside; the shift nature of the work and indeed the modest provision of public transport and footpaths serving the site will mean that a meaningful proportion of the additional employment generated will likely have to rely on the use of private cars.

Whilst it is fully appreciated that the mixed uses within the wider area (i.e. industrial and residential) create conflicts, in the absence of an objection from the highways authority and in the context that the HGV movements at peak hours would not be significantly greater than the extent position, it would be extremely difficult to resist the application on highways safety grounds. As detailed by the extracted comments above, the highway implications are not considered to be severe and therefore in the context of paragraph 109 of the NPPF the application should not be refused on this ground.

Specific comments were also received in relation to the submitted Travel Plan requesting significant changes and also clarifying that there will be an associated monitoring fee for the Travel Plan which should be secured as part of a S106 agreement (the applicant has queried informally if a unilateral undertaking would be sufficient and Officers concur that this would cover the requirements if the application were to be otherwise approved).

An updated Travel Plan has been received during the life of the application albeit the latest comments from NCC are awaited. If the application were to be otherwise acceptable then the exact detail of the Plan could be agreed by condition if the matter remains unresolved at the time of committee. Discussions are ongoing as to whether the Travel Plan will need to be accompanied by a unilateral undertaking to cover monitoring costs (the applicant is promoting that the costs would be factored into the Travel Plan).

Impact on Trees and Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Policy DM7 states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network.

The NPPF incorporates measures to conserve and enhance the natural and local environment and outlines a number of principles towards the contribution and enhancements of the natural and local environment within Chapter 15.

Notwithstanding that the site is in an existing industrial use and therefore largely laid to hardstanding, there are existing trees around the boundaries of the site. These have been assessed through the submitted Arboricultural Assessment with the proposed floor plans overlaid. The tree works proposed to facilitate the application including the felling of 13 trees within a wider group of trees at the north eastern boundary of the site and the crown lift of T2 to 5m (a Category A Oak tree on the south eastern boundary).

Landscaping plans have been submitted which demonstrated additional tree planting notably to the northern boundary of the site close to where the 13 tree specimens would be removed. The works have been assessed by the Council's appointed Tree Officer. The original comments, whilst not objecting, requested consideration of further landscaping to the north of the site to mitigate for the proposed tree loss. These comments have been sent to the agent for review but ultimately would need to be addressed by condition if the application were to be otherwise accepted.

The application has also been accompanied by an Ecology Survey which acts as an update to the original assessment submitted to support the 2014 application. The survey assesses the habitats now present at the site which includes the pond along the north west boundary between the car parking area and the neighbouring residential curtilages.

The findings of the report conclude that the development would not adversely affect statutory or non-statutory designated habitats nor would it affect protected or notable species. Recommendations to enhance ecological value are nevertheless detailed including the provision of bat roosting features and retention of existing vegetated features within the site.

Natural England have commented on the application. Their original comments raised concern that the development could have potential significant effects on Redgate Woods and Mansey Common SSSI given that the SSSI is sensitive to any development that could alter the hydrology in close proximity to its catchment.

The applicant responded to this concern through letter dated 3rd July from Ecology Solutions which clarifies the drainage solutions proposed for the development essentially concluding that the development will produce minimal additional drainage and run-off. The revised comments of Natural England accept this position and confirm that no objection is raised in respect to impact on the SSSI.

Notwithstanding the above, both the comments of Natural England and Nottinghamshire Wildlife Trust have referred to biodiversity net gain, the latter making specific suggestions on what a detailed Landscape and Biodiversity Management Plan should include. The government has recently announced that it will mandate net gains for biodiversity on new developments in England to deliver an overall increase in biodiversity. Furthermore net gain is referenced in the new NPPF, and is included within the government's 25 year plan "A Green Future".

The comments have been passed to the agent for review during the life of the application and a letter from Ecology Solutions submitted dated 14th August 2020. This letter accepts that a wildlife friendly lighting scheme could be conditioned. In respect to the request for a Landscape and Biodiversity Management Plan (LBMP), it is contended that this should not be required given that

the proposed development is an extension to an existing facility and that the small area of grassland that is due to be lost is an area of poor quality brownfield land. The Biodiversity Protection and Enhancement Plan does however detail the following:

- *Bat and bird boxes are to be provided; these are to be attached to retained trees or if design allows upon buildings;*
- *Hedgerows are to be bolstered with native species to improve their overall diversity;*
- *Management can be adopted to ensure their functionality is secured for the long term;*
- *The floristic diversity of grassland will be enhanced through appropriate seed mixes and over-sowing/scarification (where appropriate) with subsequent sensitive management to maintain the floristic diversity; and*
- *Additional native planting will take place around the ponds onsite.*

The latest comments of NWT accept that if a LBMP is not submitted then the Protection and Enhancement Plan could be updated to provide additional detail (which would align with the request of the Tree Officer). The agent has confirmed that they would be amenable to these details being secured by condition.

Impact on Flooding and Drainage

The site is within Flood Zone 1 according to the Environment Agency maps and is therefore at a low risk of flooding from rivers. However, the Environment Agency also maps areas which are at risk from surface water flooding and as demonstrated below, there is a notable band across the site which is at high risk of surface water flooding (as are other areas within the wider Belle Eau Park site).



The part of the site affected is already laid to hardstanding which would not change through the current proposals (other than a re-configuration to create the additional car parking). It is

understood from the submitted FRA that this is along the course of an unnamed culverted watercourse. The application has also been accompanied by a drainage strategy which concludes that the additional storage requirements for this application would be 141m³ which would be provided under the proposed car park.

The drainage intentions have been considered by NCC as the Lead Local Flood Authority. The comments in short raise no objections subject to the imposition of a condition seeking finer details. Officers note that matters of drainage is a cause of concern for local residents with reports of recent flood events. This has been explicitly discussed with colleagues at NCC and it has been confirmed that the proposed strategy, which the drainage plans will be based on, takes into account the additional footprint sought through the application and in doing so proposes additional underground storage to compensate for that. Thus, whilst Officers are sympathetic to the concerns of residents, there is no robust reason to resist the development on matters of surface water drainage.

Impact on Heritage and Archeology

The site itself does not contain any designated heritage assets with the nearest listed buildings being within the Hexgreave Estate some 800m to the south. Bilsthorpe Conservation Area is over 1km away from the site.

Nevertheless the scale of the proposal means that there remains potential for the development to affect the setting of nearby heritage assets. The duties in s.66 and s.72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

The Planning Statement includes a Heritage Assessment which concludes that the impact of the proposed development on the designated heritage assets in the area would be negligible.

Colleagues in Conservation raised concern that the heritage impacts may be greater than is stated, specifically in respect to the Hexgreave estate. The agent responded by saying that no assessment beyond the 1km radii had been undertaken as there is no inter-visibility between the assets and the application site. The level of landscaping around Hexgreave Hall is also referenced, as are the comments of Conservation Officers on the previous scheme (which raised no objection).

Irrespective of the conclusions on the extant scheme, the current proposal is clearly materially different namely in the significantly increased height of the proposal. The advice of the Conservation Officer remained that appropriate assessment should be undertaken including to assets over 1km away. On the basis of these comments, the applicant has submitted a Heritage Response received on the 20th October 2020. This document assesses the potential impact of the proposal on numerous assets including the significance of Bilsthorpe Conservation Area and the listed buildings within it. The visual impact of the development on Bilsthorpe Conservation Area or listed buildings within it is concluded to be negligible. It then goes on to assess the impact on Hexgreave Park including the Grade II listed Hall. Despite attempts made to arrange an internal inspection of the Hall, the assessment has not been made from the 3rd floor offices as the Conservation Officer initially suggested (a response has been received from the owners of the Hall

discounting visibility due to dense tree canopy albeit this is clearly for the existing development rather than the proposed).

Notwithstanding this, the Conservation Officer has reached their own judgement (including through a site visit to the area) and has concluded that the proposal would create harm to the setting of Hexgreave Hall and Bilsthorpe Conservation Area.

"I remain concerned that the 34m cold store building could be visible from the upper floors of Hexgreave Hall, which is definitely a tangible negative impact. It will be visible from the edges of the unregistered park and garden furthermore which defines the immediate setting of the Hall. Whilst I accept that the current warehouses are visible in the same setting, and so the transition from mature parkland to industrial site is already rather sudden, but at this proposed increase in height, it will be all the more incongruous and dominating. That being said, it is views out from the edge of Hexgreave Park across an already altered landscape, so impact is relative.

The proposal will be visible from the edge of Bilsthorpe CA. I note from the rebuttal that only site a farm track is considered in exploring this issue, so I would be cautious to dismiss this as no harm. We cannot get away from the fact that the 34m high cold store will be highly prominent and potentially distracting in this landscape."

Since these comments, the applicant has presented further justification in respect to photographs from Viewpoint 2 which relate to higher ground of a similar elevation to the cold store proposed. The photos, taken in mid-November, show that a modern agricultural building in the wider Hexgreave estate can be seen but that the actual Hall cannot. In addition to this, the applicant has submitted photographs from the top of the existing ambient warehouse building on site looking back towards the Hexgreave estate.

This additional justification has been discussed with the Conservation Officer. He has rightly pointed out that the claim that the viewpoint elevation is similar in height to the proposed cold store would be difficult to prove and that of course the proposed cold store is much higher than the existing building. In the absence of an actual view taken from the upper windows of the Hall (or another more accurate method such as a crane on site at the exact proposed height looking back to the Hall) the evidence is still speculative.

However, it is agreed that the evidence submitted by the applicant, when taken as a whole, would appear to show that it is unlikely that there will be direct inter-visibility between the Hall and the proposed cold store building. Given the limitations in accessing the Hall (there is no dispute that the applicant has made best endeavors to do so) and in the interests of not being overly onerous, the Conservation Officer has agreed that it is probable that there will not be direct inter-visibility.

Notwithstanding the above, even a lack of direct inter-visibility does not fully remove the identified heritage harm to the Hall as defined by its park and setting. The scale of the proposal and the uplift in mass and bulk on the horizon will be a dominating feature to the entrance of the Hall. There are mitigating factors, namely that the original entrance has been moved to a position less likely to be affected by the development and that the area is already characterized by industrial uses.

To qualify, taking these mitigating factors into account, and the probable likelihood that there would not be direct inter-visibility between the development and the Hall, the Conservation Officer has concluded that the level of heritage harm would be at the lower end of less than

substantial. There would also be less than substantial harm at the very lower end to the setting of the Conservation Area. This represents harm nonetheless.

Paragraph 196 of the NPPF is clear that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The public benefits of the proposal in terms of the economic benefits are rehearsed above including the number of jobs which would be attributed to the development. This level of employment and support to the rural economy is significant to the District particularly in acknowledgement that it would allow the expansion of an existing business. In respect solely to matters of heritage, the public benefits can in this case, are considered to outweigh the heritage harm identified.

The application has also been accompanied by a copy of the Written Scheme of Investigation in respect to archeological potential of the site which was undertaken in 2015 in connection with discharging the conditions of the original 2014 application. The Planning Statement for this application qualifies that the, *“archaeological remains is considered to be low and in any event, confined to the fields in the south-east area of the site. A staged programme of archaeological evaluation was undertaken in 2014 in support of the previous application in order to better quantify this potential and a geophysical survey of the two grass fields established that much of the area had been disturbed by landscaping of the ground, in particular around the southern and eastern site boundaries. It is not considered that archaeological remains would prevent development within the northern part of the site.”*

The Council’s Archeological Advisor has reviewed the application and agreed that, although there may be archeological interest close to the site, the site itself is located in an area of recent development. Essentially it is accepted that this will have led to a high level of ground disturbance such that no further archeological works are required through the current application.

Other Matters

Land contamination has been appraised by the submission of a Remediation and Enabling Works Strategy and separate Validation report. Colleagues in Environmental Health have raised no objection to the development subject to the use of a condition to secure the remediation and verification requirements details in the reports. The exact wording of the condition would need to be subject to discussions with Environmental Health if permission were otherwise forthcoming.

Overall Balance and Conclusion

The proposal represents the expansion of a well-established business in the District and would amount to an additional 170 new jobs which is significant in the context of the site. The economic benefits of the proposal must be afforded significant positive weight in line with national policy and Core Policy 6.

The intentions behind the scale of the development is by no means disputed given the required functionality of the proposed cold store building, i.e. there would be no merit in attempting to negotiate a reduced scale as it simply would not serve the proposed end use.

However, the scale of the development proposed, even if the amount of floor space to be built out through the extant permission was discounted, tips the balance towards a disproportionate addition in the open countryside. The development would therefore be contrary to the Development Plan in that it would fail to meet any of the exceptions outlined by Policy DM8.

Moreover, as is explored through the assessment above, the scale and massing of the proposal has other material impacts which must be considered.

Despite discussions throughout the life of the application, the Council's appointed Independent Landscape consultant (Via East Midlands) continues to dispute the conclusions of the applicant's landscape evidence contending that the landscape implications of the proposal have been underestimated. The independent stance is that the proposed development would noticeably increase the impact on the skyline which would not be screened by the existing industrial development both within and adjacent to the site. A moderate to major landscape impact has been predicted owing to the significant 34m height of the development. The proposal would therefore create landscape harm contrary to Core Policy 13 and the corresponding Landscape Character Assessment.

Moreover, the significant scale of the development would undoubtedly impose adverse visual amenity impacts on the closest neighbouring residents and to some degree an element of overbearing at certain times of the day.

In addition to the above harm, the Conservation Officer has concluded that the proposal would lead to less than substantial harm to the setting of the Grade II listed Hexgreave Hall and the designated Bilsthorpe Conservation Area (albeit the harm to the CA would be at the lower end of less than substantial). It is therefore required by Paragraph 196 of the NPPF to balance the public benefits of the proposal against the identified harm.

It should be explicitly stated that this balance is *extremely* finely balanced. The issues at hand have been discussed with the applicant during the life of the application via their appointed agent which has led to numerous versions of additional supporting information. Given that the scale of the development is a functional requirement of the end use, there is no reasonable means of the applicant overcoming the principle harm identified against Policy DM8. However, through the additional information and evidence submitted, the applicant has managed to reduce the level of originally identified harm both in respect to heritage and landscape impacts. For the avoidance of doubt, harm has been identified nonetheless (as has visual amenity harm).

Taking all material considerations into account, Officers consider that the economic benefits of the application, namely the significant job creation and the allowance for expansion of a national distribution centre in the District, would marginally tip the overall planning balance towards one of approval.

RECOMMENDATION

That planning permission is approved subject to the conditions below and potentially the sealing of unilateral undertaking to secure monitoring of the Travel Plan.

Reasons

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 permission shall not be carried out except in accordance with the following approved plans reference:

- Proposed Site Plan – MP_00_2200 Rev. B;
- Proposed Site Roof Plan – MP_00_2210 Rev. A;
- Proposed Coldstore Ground Floor – MP_00_3201;
- Proposed Coldstore Roof Plan – MP_00_3202;
- Proposed Coldstore Extension Ground Floor – MP_00_3203;
- Proposed Coldstore Extension Roof Plan – MP_00_3204;
- Proposed Loading Bay Extension Ground Floor – MP_00_3205;
- Proposed Loading Bay Extension Roof Plan – MP_00_3206;
- Proposed Site Elevations – MP_02_2200 Rev. C;
- Proposed Site Elevations – MP_02_2201 Rev. A;
- Site Location Plan – MP_00_1200;
- Site Plan – Drainage Strategy – HC-20149-(30)-001;
- General Arrangement Sheet 1 of 4 – M90222_L200;
- General Arrangement Sheet 2 of 4 – M90222_L201;
- General Arrangement Sheet 3 of 4 – M90222_L202;
- General Arrangement Sheet 4 of 4 – M90222_L203;

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

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with the terms outlined by the Remediation and Enabling Works Strategy (April 2015) in conjunction with the Phase II report originally provided in respect of 14/01782/FULM prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

05

Any plant installed on site shall be in accordance with the positioning and specifications detailed within the Noise Assessment by wsp – 70069516-001/R01 dated May 2020. If alternative plant and machinery is to be installed then an updated noise assessment outlining any required mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The development shall thereafter be carried out and retained in accordance with the approved details.

Reason: To protect neighbouring amenity.

06

Notwithstanding the above condition, prior to the commencement of the development hereby approved:

- (i) Within two weeks of the installation of the 'Azanefreezer' models referred to in Table 3 of the Noise Assessment by wsp – 70069516-001/R01 dated May 2020 or equivalent model, the 'Azanefreezer' equipment shall be tested for their noise output and the data submitted in writing to the Local Planning Authority within one week of the test.
- (ii) If the output exceeds any of the worst case rating levels referred to in the Noise Assessment by wsp – 70069516-001/R01 dated May 2020, then further details shall be submitted to the Local Planning Authority for approval in writing and shall include mitigation measures to reduce the output below these levels.
- (iii) Following implementation of the mitigation measures approved under (ii), the equipment shall be tested for their noise output and the data submitted within one week of the test to the Local Planning Authority for approval in writing.

- (iv) Should the report submitted under (iii) not be approved, the process from (ii) above shall be repeated until a satisfactory level of noise attenuation is achieved.

The details as approved shall be installed and operated on site, and steps (i) to (iv) fully complied with, before the plant and development hereby approved is brought into operation (other than for testing purposes as required by (i) & (iii)) and thereafter retained and operated for the lifetime of the development.

Reason: To protect neighbouring amenity.

07

The development hereby approved shall not be brought into use until the mitigation measures included within the Noise Assessment by wsp – 70069516-001/R01 dated May 2020, have been fully installed on site. For the avoidance of doubt this includes:

- A 20 metre length of 2.5m high acoustic fence/barrier along the Western site boundary joining the existing barrier at its Northern extent
- A 50 metre length of 2.5m high acoustic fence/barrier along the Western site boundary adjacent to the site access road effectively extending the existing screening to the South.

The measures shall thereafter be retained for the operational lifetime of the development.

Reason: To protect neighbouring amenity.

08

The development hereby approved shall not be brought into use until details have been submitted to the Local Planning Authority for approval in writing comprising the full details of every tree, shrub, hedge to be planted (including its species, 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 details shall take into account the recommendations included with the plan reference Biodiversity Protection and Enhancement Plan Rev. A dated August 2020 of the document Ecology Solutions letter dated 14th August 2020 - 6443M/JS/GH/let.001.nwdc.

For the avoidance of doubt, the details shall include comprehensive landscaping details for the northern side of the site to mitigate tree loss and to provide greater screening and increased biodiversity.

Reason: In the interests of ecology and visual amenity.

09

The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is sooner. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place.

Reason: In the interests of ecology and visual amenity.

10

The development hereby approved shall be carried out in accordance with Section 2.0 (Method Statement) of the document Arboricultural Method Statement by Mulberry – TRE/BEP/Rev A dated 13 April 2020 specifically that all fencing used on the site should fully comply with BS 5837:2012 (Trees in Relation to Construction – Recommendations).

Reason: In the interests of ecology and visual amenity.

11

The following activities must not be carried out under any circumstances.

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on the application site.
- e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

Reason: In the interests of ecology and visual amenity.

12

No part of the development hereby permitted shall be brought into use until the parking/turning/servicing areas are provided in accordance with the approved plans. The parking/turning/servicing areas shall not be used for any purpose other than parking/turning/loading and unloading of vehicles.

Reason: To reduce the risk of on-street parking to the detriment of other road users.

13

No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes and shall include arrangements for monitoring of progress of the proposals. The approved Travel Plan shall be implemented in accordance with the timetable set out in that plan.

Reason: To promote sustainable travel.

14

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 20149 Healey Consulting March 2020, 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:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- 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

Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF 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.

15

No development shall take place until a Construction Methodology and Management Plan (CMMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CMMP shall be adhered to throughout the construction period. The CMMP shall comprise the following:

- The details of temporary fencing to be erected and retained during the construction period;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- any measures to control the emission of noise, dust and dirt during construction;
- hours/days of proposed construction.

Reason: To protect the amenity of the surrounding area.

16

The development hereby approved shall be carried out in accordance with the ecological enhancements detailed within the document Ecology Solutions letter dated 14th August 2020 - 6443M/JS/GH/let.001.nwdc specifically:

- the installation of bat and bird boxes as shown by plan reference Biodiversity Protection and Enhancement Plan Rev. A dated August 2020.

The boxes shall be installed prior to the development being brought into use and thereafter be retained for the operational lifetime of the development.

Reason: To preserve the ecological value of the site.

17

No hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless the hedge or tree is first thoroughly checked by a suitable qualified ecologist immediately prior to removal. If during this check, any nests are discovered then the removal of the tree or hedge shall not be carried out until any young have fledged the nest.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site.

18

Prior to the installation of any external lighting, details of the lighting 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. 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 visual and residential amenity and ecology.

Note 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 applicant's attention is drawn to those conditions on the decision notice, which should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

BACKGROUND PAPERS

Application case file.

For further information, please contact Laura Gardner on extension 5907.

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 - 20/00636/FULM

