

Item No: A3

Application Ref.	23/00946/OUT
Application Type	Outline Planning Permission
Site Address	Land North of Ollerton Road, Tuxford.
Proposal	Outline Application with Some Matters Reserved (Access) for Proposed Commercial Development of Existing Agricultural Land (Re submission of 22/00821/OUT)
Case Officer	James Mountain
Recommendation	Refuse
Web Link:	Link to Planning Documents

THE APPLICATION

SITE CONTEXT

The application site is a parcel of Grade 2 & 3a agricultural land which fronts onto the north side of Ollerton Road, Tuxford. The land in question is an agricultural field to the south-west of the established Walker Industrial Estate. The industrial estate falls outside of the Tuxford development boundary in the open countryside and is one of two major employment sites within the Tuxford Neighbourhood Plan area. The topography of the land descends to the north of the site and is elevated towards the west and south boundaries.

The site is adjacent to a football pitch and yard area to the east, which are under the applicants ownership. The industrial estate was also extended further east of the application site in 2018 which appears to be used for open storage and car parking.

PROPOSAL

The application is a re-submission for outline planning permission to extend the industrial site following refusal at committee in January 2023.

The previous reasons for refusal were as follows:

- 1) Policy DM1 of the Bassetlaw Local Development Framework states proposals for economic development in rural areas will be supported where they can demonstrate, amongst other criteria, that the scale, design and form of the proposal, in terms of both buildings and operation, will be appropriate for its location and setting and be compatible with surrounding land uses*

Policy DM4 of the Bassetlaw Local Development Framework states that permission will only be granted for residential development that is of a high quality design, that respects its wider surroundings in relation to forms, density and landscape character.

Policy DM9 of the Bassetlaw Local Development Framework states new development proposals in and adjoining the countryside will be expected to be designed so as to be sensitive to their landscape setting. They will be expected to enhance the distinctive qualities of the landscape character policy zone in which they would be situated, as identified in the Bassetlaw Landscape Character Assessment. Proposals will be expected to respond to the local recommendations made in the Assessment by conserving, restoring, reinforcing or creating landscape forms and features accordingly.

Paragraph 130 of the NPPF also states that development should be sympathetic to local character including the surrounding built environment and landscape setting.

The site in question is identified in the Bassetlaw Landscape Character Assessment as Mid Nottinghamshire Farmlands. The landscape policy for this area seeks to conserve pastoral farmland and reinforce field patterns and boundaries. It further states that new commercial buildings should be sensitively sited and designed.

The proposed development will be a sprawling industrial character which extends from the existing industrial estate from the north and will occupy a prominent position, eroding the visual break between the industrial site to the north and the highway. Consequently, the landscape character will be adversely impacted by the loss of this open field. It is not considered possible to adequately mitigate the impact with landscaping or design as the development will be highly visible due to its visibility from Ollerton Road. As such, the development would result in the loss of open, rural character which would result in unacceptable harm to the landscape and conflict with the recommendations in the Landscape Character Assessment.

Accordingly such development would conflict with the policies and guidance outlined above.

- 2) *Paragraph 174(b) of the NPPF states that planning policies and decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land and of trees and woodland.*

The proposal would result in the loss of 6.15 hectares of grade 2 agricultural land. There is considered to be insufficient evidence to justify the loss of agricultural land and the development would not be sensitive to the surrounding rural character. The proposal would therefore fail to accord with the guidance set out in paragraph 174(b) of the NPPF.

The applicant has sought to reduce the site area for proposed expansion by pulling the development in from the southern and western boundaries. The plans submitted indicate the creation of a new hedge belt around the development, grading of the land to create banking and the creation of 3-4 commercial units with a floor area of approximately 4,500sqm. Open storage is proposed on the southern element of the site, however the site composition is subject to change at reserved matters stage. The proposed units would be for use classes B8 Storage and Distribution and E(g) which includes offices, research and development, or any industrial process. The access is proposed as part of the outline permission however all other matters (appearance, layout, scale and landscaping) will be determined at reserved matters

stage, should outline permission be granted. The retained land to the front and side of the site is indicated to remain in agricultural use. No clarification has been provided relating to the total number of new jobs that the expansion could provide.

The application is supported by:

- Planning statement
- Transport statement with travel plan
- Flood risk assessment
- Ecological assessment
- Agricultural land classification report and
- Landscape and visual impact assessment

Proposed site plan:

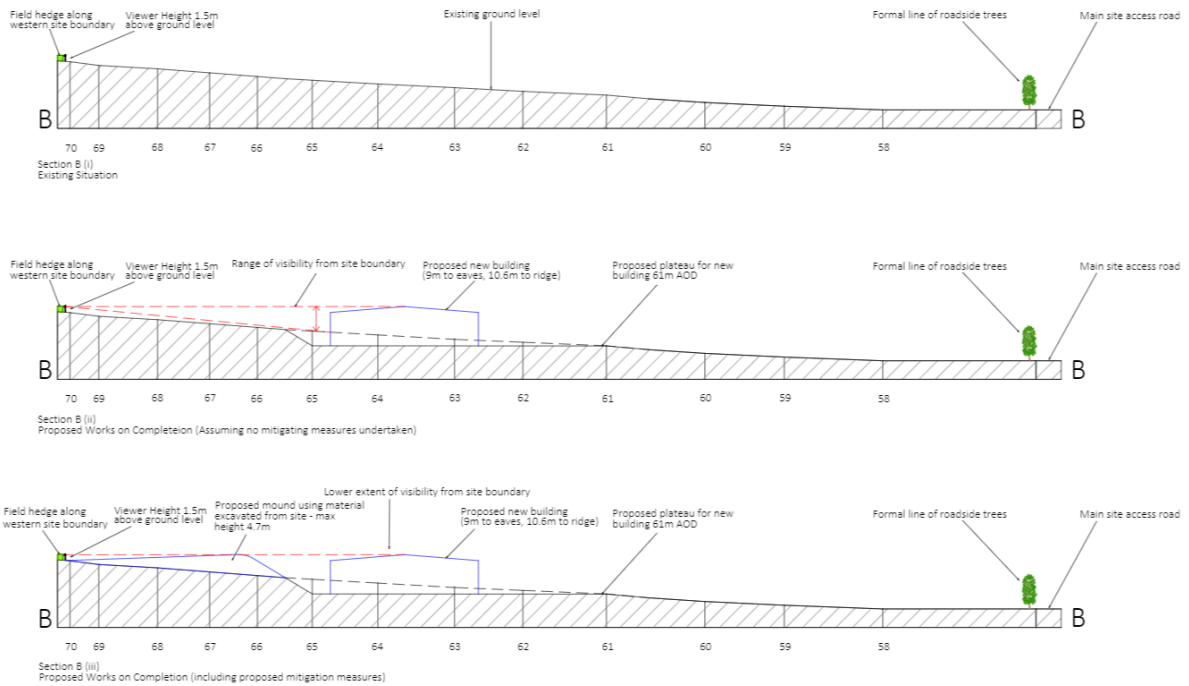


Refused site plan:

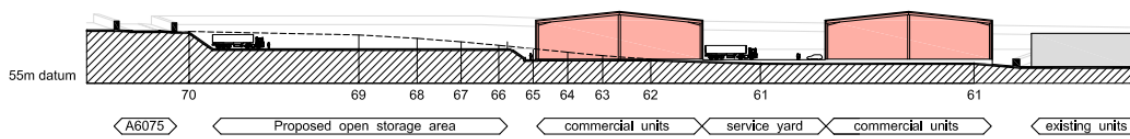


PROPOSED CHANGE OF USE, OLLERT

Proposed section from Ollerton Road:



Refused section from Ollerton Road:



B - B

DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town & Country Planning Act 1990 provides that the local planning authority shall have regard to the provision of the development plan, as far as material to the application, and to any other material considerations.

Other material planning considerations include the National Planning Policy Framework and guidance within the National Planning Policy Guidance.

Environmental Impact Assessment Regulations 2011

When applications are submitted for consideration the Local Planning Authority has a duty to determine whether they would constitute Environmental Impact Assessment (EIA) development. The Officer has completed a screening opinion for the proposed development.

The proposed use within a general industrial estate is considered to be Schedule 2 development as the site area exceeds 0.5ha. The indicative criteria for a development of this kind that requires an EIA is 20ha which is considerably larger than the application site area of 3.8ha. An EIA is therefore not required.

The screening opinion determined that the main environmental effects of this development are likely to relate to highways, ecology and environmental health considerations which can be assessed and mitigation proposed as part of the planning application. In terms of landscape whilst it is accepted that the development is large scale the landscape in this area is defined as being of relatively low value.

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework (NPPF) sets out the Government's approach for the planning system and how these are expected to be applied.

Paragraph 8 explains that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform an economic, social and environmental role.

Paragraph 11 explains that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up to date development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission shall be granted unless:

The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The following paragraphs of the framework are applicable to this development:

Section 2 – Achieving sustainable development

Section 4 – Decision making

Section 6 – Building a strong, competitive economy

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting sustainable transport

Section 11 – Making effective use of land

Section 12 – Achieving well designed and beautiful places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

BASSETLAW DISTRICT COUNCIL – LOCAL DEVELOPMENT FRAMEWORK

Core Strategy & Development Management Policies Development Plan Document (Adopted December 2011):

- CS1 - Settlement hierarchy
- CS6 - Tuxford
- DM1 – Economic Development in the Countryside
- DM4 - Design & character
- DM7 – Securing Economic Development
- DM8 – The Historic Environment
- DM11 - Developer contributions and infrastructure provision
- DM12 - Flood risk, sewage and drainage
- DM13 - Sustainable transport

Bassetlaw Draft Local Plan 2020-2038 – Emerging Policy

The Emerging Local Plan is awaiting the outcome of examination. As such, the policies in this plan are given limited weight in the decision making process. The relevant emerging policies are as follows:

ST1 – Bassetlaw Spatial Strategy

ST7 – Land for Economic Development

ST10 – Existing Employment Sites

ST11 – Rural Economic Growth and Economic Growth Outside Employment Areas

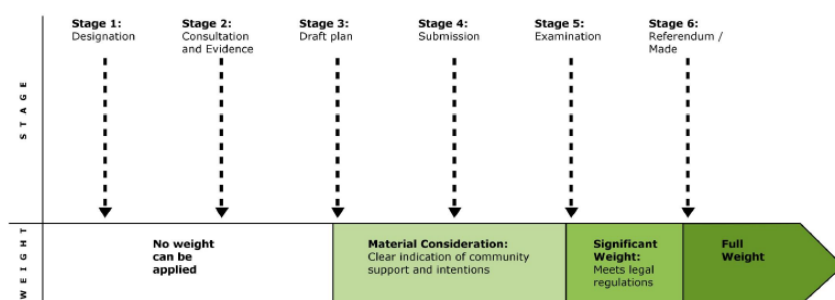
ST35 – Design quality Policy

- ST37 – Landscape Character
- ST40 – Biodiversity and Geodiversity Policy
- ST41 – Trees, Woodlands and Hedgerows Policy
- ST44 – Promoting healthy, active lifestyles
- 48 – Protecting amenity
- 49 – Contaminated and unstable land
- ST50 – Reducing carbon emissions, climate change, mitigation and adaption
- ST52 – Flood Risk and drainage
- ST53 – Protecting Water Quality
- ST55 – Promoting sustainable transport and active travel
- ST58 – Provision and Delivery of Infrastructure

NEIGHBOURHOOD PLAN (INCLUDING STATUS AND RELEVANT POLICIES)

The chart below shows the weight to be given to the Neighbourhood Plan set against the stage of the plan-making process. Tuxford is a made Neighbourhood Plan area and was adopted in 2016. It can therefore be accorded full weight. The relevant policies are:

- Policy 1: Sustainable Development
- Policy 2: Pre-application Community Consultation
- Policy 3: Design Principles for New Development
- Policy 13 – Land south of Breck Lane, Mattersey Thorpe



OTHER RELEVANT GUIDANCE

- Successful Places SPD
- Bassetlaw Residential Parking Standards
- Nottinghamshire County Council Highway Design Guide
- National Model Design Code
- National Planning Policy Guidance
- Manual for Streets
- Bassetlaw Employment Land Review

RELEVANT PLANNING HISTORY

There are a number of historic permissions associated with this site. The most recent was for development not dissimilar to that which is the subject of this application:

22/00821/OUT - Outline Application with Some Matters Reserved (Access) for Proposed Commercial Development of Existing Agricultural Land; refused at committee January 2023.

18/00469/FUL – Change of use to land east of the existing industrial estate (forming part of the wider Walker Industrial Estate) from agricultural land to open storage land – permission granted.

Finally on the site immediately west for the erection of a wind turbine in 2014. This was granted at appeal under reference 14/00010/S36.

SUMMARY OF CONSULTATION RESPONSES

Nottinghamshire County Council Highway Development Management

No objections; the development would be unlikely to have a severe impact at the junction subject to conditions.

Nottinghamshire County Council Planning Policy

Their comments are summarised as follows:

- No objections from a minerals perspective.
- No objections from a waste perspective.
- Requests £100,000 towards bus service improvements.
- Request for provision of 2 bus stops outside of the site.
- Requests conditions in respect of free introductory bus pass provision as part of the travel plan.

Nottinghamshire County Council Lead Local Flood Agency (LLFA)

No objections subject to conditions for submission of a detailed surface water drainage strategy.

Bassetlaw District Council Conservation

No objections; the development will preserve the character of the Tuxford Conservation Area.

Bassetlaw District Council Environmental Health

No comments received but comments made on previous application:

No objections; recommended conditions to safeguard air quality and to ensure the land is free from contamination.

Lincolnshire County Council Archaeology

The site lies in an area of high archaeological potential associated with Neolithic activity. The proposal to develop the site for commercial buildings will have a significant negative effect on any surviving archaeological remains. Any grant of planning permission will require a condition for archaeological investigation and mitigation if remains are found.

Environment Agency

The site is within FZ1 and therefore we have no fluvial flood risk concerns

Tuxford Town Council

Support this planning application, with the following observation: consideration to reflect pre-existing and future plans of housing growth to bring employment opportunities and impact of additional HGV movements in the town centre and conservation area should be addressed.

Nottinghamshire Wildlife Trust

No objections; the survey methodologies employed are to a satisfactory standard and we agree with the resulting conclusions and recommendations in relation to protected species and future mitigation.

Newark and Sherwood District Council

No objections.

EDF Energy

No response.

SUMMARY OF PUBLICITY

This application was advertised by neighbour letter, site notice and press notice. 1 letter of support received:

Councillor Rutherford:

'I fully back the application as it will help create much needed jobs in Tuxford and future investment opportunities for Tuxford.

As Tuxford grows vastly we need more vital jobs for vast amount of school leavers and much needed new apprenticeships.

Since the demise of the coal industry and the closure of Doscovs hundreds of jobs have been lost, Walkers have sought to bring new employment to the site.

The site is already well screened and additional planting will help reduce views and benefit wildlife.

The site was reviewed as part of the neighbourhood plan assessment and Walkers congratulated on the job that they are doing, particularly through re-use of existing buildings on the site and generating their own energy with the wind turbine.

The new units are needed by existing companies that have run out of space and we should be backing the development, particularly in the current economic climate when more jobs are needed.

CONSIDERATION OF PLANNING ISSUES

PRINCIPLE OF THE DEVELOPMENT

Paragraph 12 of the NPPF is clear that the starting point when assessing the principle of development is the development plan. The Bassetlaw Development Plan comprises the Bassetlaw Core Strategy 2011 and the Tuxford Neighbourhood Plan which was made in 2016 and is currently undergoing review.

Policy CS1 of the Core Strategy shows that there is a settlement hierarchy in which development should be directed within the district. The site falls out of any settlement boundary as defined by Policy CS1. Policy DM1 is therefore engaged which considers economic development in the open countryside. Policy DM1 states that economic development in the countryside will be supported where certain criteria are met.

In relation to the supply of employment land, the NPPF requires Councils to set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth. Policy CS9 regarding all other settlements states that proposals will be supported which deliver rural employment opportunities. Given there is not a Site Allocations DPD it is considered that there is currently no clear strategy for the delivery of economic development and growth within the District.

Policy DM1 states that standalone economic development in the countryside will be supported where they minimise their impact on the landscape, there are no other suitable sites, they are viable as a long-term business, are of an appropriate design, and will not exacerbate environmental or highway safety problems. Policy DM7 adds that support will be given to proposal which contribute to opportunities for growth of businesses which are indigenous to the locality. In this case, the proposed extension is deemed viable subject to other material considerations, as it would adjoin a well-established industrial park which has a range of businesses in continued operation.

Paragraph 33 of the NPPF states that policies in development plans should be reviewed and where necessary updated every 5 years. The Bassetlaw Core Strategy dates from 2011 and its policies have not been reviewed in the last 5 years as the Council is working on a new local plan to replace it.

In this situation, paragraph 225 of the NPPF states that policies in an adopted development plan do not become automatically out of date because they were published before the framework; policies must be considered having regards to their consistency with the framework.

The Core Strategy was prepared using a settlement hierarchy which included development limits to control development and does not have any new site allocations within it. The Core Strategy was written on the basis that it would be followed by a Site Allocations DPD which would allocate sites for development outside of the defined Development Boundaries. To that end policy CS1 clearly states that the restriction of development outside the Development Boundaries would be applied “until the adoption of the Site allocations DPD” whilst Footnote 1 states with regard to the Development Boundaries defined on the Proposals Map that “these are interim boundaries and will be revised during the development of the Site Allocations DPD”. The Site Allocations DPD was not progressed and therefore the Local Development Framework does not provide a continuous growth strategy for the district. It is considered that this approach is now out of step with that identified in the NPPF and the weight given to policy CS1, CS2 and by association Policy DM1 has to be reduced.

The Emerging Bassetlaw Local Plan does contain policies in regards to employment land, however at the time of writing the new plan is awaiting the outcome of examination so its policies cannot be given any significant weight.

Walkers Industrial Estate is referenced within the Tuxford Neighbourhood Plan, which is the most recently made development plan. However, it is more than 2 years old and does not include site allocations and so is given limited weight. Nevertheless, it is noted that Policy 1 of the Neighbourhood Plan states that development that leads to economic, social and environmental benefits is encouraged. The plan also regards the Walkers Industrial Estate as one of two primary employment sites within the area and encourages the sensitive expansion of the Ollerton Road Site provided any proposals are appropriate to surrounding uses and the rural setting of the site.

Whilst the proposal is consistent, in principle, with Policy DM1 and the Neighbourhood Plan, there is no site allocation DPD contained within the Core Strategy and accordingly part d) of paragraph 11 of the NPPF is engaged as policies CS1 and CS9 are considered to carry limited weight in the decision making process. This scheme must be considered under the tilted balance test where planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF when taken as a whole.

The following material considerations are relevant.

SUSTAINABILITY OF THE DEVELOPMENT

Paragraph 8 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

“an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that

reflect current and future needs and support communities' health, social and cultural well-being; and

an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

In reaching a decision on this case, the NPPF at paragraph 9 makes it clear that the objectives referred to above should play an active role in guiding development towards sustainable solutions and are not criteria against which every planning application should be judged against.

Further commercial development in this location will make a positive contribution to building a strong, responsive and competitive economy through the creation of temporary construction related jobs on site and the on-going contribution to the local economy both in terms of employment and ongoing trade operations as result of the development. It also has the potential to provide new jobs within close proximity to Tuxford, minimising the need for people to travel if they were employed close to home. However, it is noted that due to the rural location of Ollerton Road some 1.5km from Tuxford village, travel to the site is likely to be predominantly reliant on private vehicles. This matter be explored in more depth later in this report.

The application proposes a range of B2, B8 and E(g) land uses (general industry; storage and distribution; offices, research and development or light industry). As there is no end user identified at outline planning stage, the composition of these uses has not been determined and so commentary on the sustainability of types of jobs and quantum of jobs that the development could provide are not available.

The Bassetlaw Housing and Economic Development Needs Assessment Addendum 2022 identifies an employment need for 2020-2038 of **196.7 hectares**. Between 2018-2020 3.5 hectares of land was developed at the General and Larger Unit Employment Sites. This leaves a residual employment need of 193.2ha for the plan period. At 31 March 2023, 40.3 hectares of employment land had been completed on the General and Larger Unit Employment Sites,, whilst 163.7hectares has planning permission for B Class employment. The existing supply therefore fully meets the employment need over the plan period and as such the weight given to the benefit of delivering further employment development is lessened within the planning balance.

It is noted that the 2022 Bassetlaw Land Availability Assessment (LAA) forms part of the evidence base of the emerging local plan. Whilst no significant weight is given to the plan, the LAA identifies that there is no additional capacity within the existing Walkers site.

In regard to environmental sustainability, it should also be acknowledged that permitting this development would remove a field of mixed Grade 2 and 3a (best and most versatile) agricultural land and could also pose harm to any biodiversity which exists on the greenfield site. Any grant of permission would therefore need to ensure the development fully mitigates any impacts to the environment.

LANDSCAPE CHARACTER

Paragraph 180b of the NPPF states that planning decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.

Core Strategy Policy DM1 requires that proposals for economic development in the countryside are located and designed to minimise their impact upon the character and appearance of the countryside. The proposal must be compatible with its location and setting.

The site is located within the Mid Nottinghamshire Farmlands Landscape Character Area. Landscape Policy Zone 11 notes that there are sparse clusters of commercial development outside of Tuxford. It also notes that the landscape condition is good and with fields delineated by well-maintained hedgerows. The landscape policy seeks to conserve pastoral farmland and reinforce field patterns and boundaries. It further states that new commercial buildings should be sensitively sited and designed.

The proposed development site extends to approximately 3.7ha with the field as existing being approximately 6.75ha. The site is located within the countryside with the established industrial estate wrapping round the site to the north and east. The previous application indicated that the field in question is Grade 2 agricultural land, which is regarded as the best and most versatile agricultural land (BMV land). The current application has been supported by a land classification report which indicates that the site is actually made up of a mix of grade 2 (very good quality) 38% and 3a (good quality) 62%. The submitted planning statement indicates that the majority of the development site is not categorised as higher grade land and that the loss of a small area of agricultural land is outweighed by the benefits of supporting existing and new employment. Whilst acknowledging that the overall site area is smaller than that previously considered, based on the plan below it would appear that the proposed development site would result in most if not all of the existing grade 2 land being lost, with the land to remain in agricultural use being Grade 3a.



The NPPF notes that where development of agricultural land is necessary, areas of poorer quality of land should be preferred to those of higher quality. Case law has established that some limited loss of BMV land may be acceptable if there is a sufficient supply of agricultural land retained and if any loss of such land would deliver significant benefits which would outweigh the loss. This matter will be considered as part of the planning balance.

The applicant has sought to address previous concerns regarding the expansion of the industrial estate into open countryside by setting the development back from the road, introducing new planting and undertaking grading works in an attempt to reduce the visual impact of the development. It is unfortunate for the applicant that by setting the development back from the road they are also losing the higher quality agricultural land on the site.

The applicants landscape impact assessment considers that *'the impact during construction is identified as moderate adverse for road users. The impact on landscape character for most landscape factors on completion of the development would be beneficial due to the enhancement of the visual buffer between the industrial estate and the public road together with the change in character of the retained land along the western and southern boundaries'*.

The existing established industrial estate is set well back from the road and therefore somewhat concealed from landscape vantage points with only tops of the buildings partially visible as you travel along Ollerton Road. The extension to the commercial park granted under reference 18/00469/FUL brought development, closer to Ollerton Road, albeit set down at a lower level. The uses on this land appear to be limited to container storage and parking. Despite the lower level of the land, it is considered that this development is considered to have a negative impact on the landscape and so raises concerns regarding the further sprawl of industrial development towards Ollerton Road.

Notwithstanding the revisions undertaken and the submitted sections and landscape impact assessment, the proposed development of the site would it is considered still result in a degree of harm to the rural character of the site. Introduction of additional planting within the existing field, in addition to alterations to the topography of the field in an attempt to reduce visual impact are considered to result in an erosion of the existing rural character of the site in particular when travelling east along Ollerton Road towards Tuxford. Notwithstanding the supporting information received it is considered that any development on the field in question will stand prominently within the landscape character. Whilst noting the proposed retention of 60m of agricultural land to the front of the site, beyond that is proposed open storage which like the eastern element of the site could result in materials being stacked vertically which could be prominent and incongruous within the surrounding landscape. The development granted by 18/00469/FUL is highly visible despite landscaping and earthworks detailed during the application intended to screen the development. Whilst conditions could be imposed restricting the height of any external storage, this is not considered sufficient to overcome the visual harm arising from the loss of this agricultural field and its use for industrial expansion.

Overall it is considered that development of this parcel of land would result in industrial sprawl into a prominent field which has otherwise maintained an open agricultural character and the proposal is therefore contrary to Policy DM1, the aims of the Bassetlaw Landscape Character Appraisal and the guidance contained within the NPPF.

VISUAL AMENITY

Section 12 of the NPPF refers to achieving well designed places. Specifically, paragraph 135 states that good design is a key aspect of sustainable development; it creates better places in which to live and work in and helps make development acceptable to local communities. Paragraph 135 states that decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Furthermore it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation and permission should be “refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions” (para 139).

Policy DM4 of the Bassetlaw Core Strategy provides general design principles which should be applied to all schemes. The policy states that all development proposals will need to be in keeping with the character and appearance of the wider area and when they are in historic locations, they should respect existing development patterns. All schemes must respect their context and not create a pastiche development which would be incorrect in their context.

An indicative site plan has been submitted with the application which shows an arrangement of 3 buildings on the north western boundary and a further potential unit approximately centrally located. The site would be accessed from a new roadway which would split from the main access road into the industrial estate. The southern element of the site closest to Ollerton Road is indicated for open storage (similar to that permitted by 18/00469/FUL). However, it is reiterated that the design and access statement indicates that matters of scale, appearance

and layout are a reserved matter and therefore are subject to change should the outline application be granted.

As detailed above, the site area has been reduced from that previously considered with elements of agricultural land retained on the southern and western boundaries to mitigate visual impact. The applicant has attempted to mitigate the visual impact of development through proposed excavation and siting the buildings gable end on and locating the buildings on the northern boundary, however noting that layout is indicative only at this stage. Indicative sectional drawings have been submitted to support this which demonstrate that buildings would be a maximum of approximately 10.5 metres tall (though again this would be determined at reserved matters stage). Whilst the revisions made to the scale of the development are positive, officers remain concerned that the proposed introduction of new warehousing and commercial buildings would still result in detrimental visual impact. Notwithstanding the proposed lower land levels of the buildings seeking to mitigate their visibility, the introduction of new planting and banking in what is currently a visually prominent field when travelling along the elevated Ollerton Road is considered detrimental to visual amenity.

As such, the development of this site would undoubtedly change the appearance and character of this field. Whilst the submitted landscape impact assessment and planting plan details that landscaping would result in 'visual enhancement' of the visual buffer between the industrial estate and the road, it is not considered that the proposed change of agricultural land to industrial would be sympathetic to the character of the area. The proposal is therefore contrary to Policy DM4 and the guidance contained within the NPPF.

RESIDENTIAL AMENITY

Policy DM4 of the Core Strategy requires that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. This requirement also forms part of paragraph 135 of the NPPF.

The application proposes industrial uses and storage and distribution. Whilst there may be potential for cumulative impacts to nearby settlements (which will be assessed within the highways commentary of this report), there are no residential dwellings within immediate vicinity other than sporadic farmsteads which are at least 500 metres in distance away from the proposed development. In consideration of the scale of development the likelihood of resulting air pollution exceeding legal limits is unlikely. Environmental Health have not responded to this application but raised no objection subject to conditions on the previous larger proposal. As such, the proposed impacts to residents in relation to matters such as odour, air pollution and noise, when compared with the existing industrial development, are considered to be negligible. In terms of impacts upon residential amenity it is considered the proposal would comply with Policy DM4 and the guidance contained within the NPPF.

HIGHWAYS MATTERS

Paragraph 114 of the NPPF states that schemes can be supported where they provide safe and suitable access for all. This requirement is also contained in policy DM4 of the Council's Core Strategy which states new development should not be to the detriment of highway safety. Paragraph 115 of the NPPF makes it clear that development should only be prevented or

refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 96 of the NPPF states that all development should aim to achieve healthy, inclusive and safe places which encourage social interaction, are safe and accessible and enable and support healthy lifestyles. Paragraph 114 of the NPPF requires schemes to provide safe and suitable access for all users as well as looking at appropriate opportunities to promote sustainable transport modes.

Paragraph 117 of the NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

TRAFFIC IMPACTS

The proposal would be likely to generate additional vehicular movements associated with the movement of goods and employee travel to and from the site. It is reiterated that an end user has not been identified at this time however the use classes B2, B8 and E(g).

No objections have been raised by NCC Highways to the proposed development subject to further details being secured as part of the reserved matters submission and by conditions in relation to:

- The layout, surface treatment, drainage and marking of car parks, servicing, storage and manoeuvring areas
- A swept path analysis for articulated lorries
- Cycle parking and bin storage
- Flood lighting information
- Wheel washing
- Restriction on the proposed mix of uses
- External storage restriction

The neighbouring Authority, Newark and Sherwood District Council, were consulted as part of the application due to the potential direction of traffic flows toward their district and raised no objections.

Subject to the the above information being secured by condition it is concluded that the proposal would have a minor impact to the highway network and it is therefore considered the proposal is compliant with Policy DM4 and the guidance contained within the NPPF in this respect.

SUSTAINABILITY OF TRAVEL

The site is approximately 1.5km from the village of Tuxford. Councillor Rutherford has expressed support for the expansion of the site as it will provide jobs in a rural location. The accessibility of employment must be considered. The site is not easily accessible by public transport and it is not possible to forecast where future employees would travel from.

However, it is noted that the Manual for Streets recommends that developments need to be properly connected with adjacent street networks because developments with poor links to the

surrounding area create enclaves which encourage movement to and from them by car rather than by other modes.

There is a pedestrian footway on the north side of Ollerton Road between Tuxford village and the existing Walkers employment site. This terminates at the junction of the Walkers estate. There is no footway beyond this point travelling west on Ollerton Road. The speed limit on this road increases to 50mph as it leaves the village of Tuxford towards the site. There is no street lighting along the existing footway on Ollerton Road.

The availability of public transport has been considered to a limited extent within the transport assessment and a travel plan has been submitted with the application. Nottinghamshire County Council Planning Authority have made an assessment of the likely requirements for public transport improvements and have recommended that a new two way bus stop be installed at the entrance of the industrial estate and bus service improvements should be required as part of any legal agreement.

Whilst the bus improvements proposed by the County Authority would improve the accessibility of the site by alternative means of transport, Officers remain concerned that the site is in a somewhat detached location from the built up area. The sustainability of this location for development has been maintained as a concern by the Highways Authority (though not to the extent it would necessitate an objection).

The sustainability of the development proposed in this regard has been an ongoing consideration for the Planning Officer which prompts consideration of paragraph 85 of the NPPF which states:

Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

In consideration of the above policy context, as a matter of planning judgement it is acknowledged that whilst the Planning Officer regards that safe and sustainable access cannot be achieved by all and there will likely be heavy reliance on private cars; employment development in rural locations such as this are often not the most sustainable in these terms. If the application is granted, improvements would be secured for public transport and a travel plan could be sought by way of planning condition. This will be factored into the planning balance.

ECOLOGY/TREES

The content of paragraph 186 of the NPPF is applicable as it states that in dealing with planning applications, councils must consider the harm of a scheme on biodiversity. It states that the following principles should be applied (in summary):

- a) If significant harm cannot be avoided adequately mitigated or compensated for permission should be refused.
- b) Development within or outside a SSSI which is likely to have an adverse impact on it should not normally be permitted. The only exception is where the benefits of location outweigh its impact
- c) Development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are exceptional reasons or compensation.
- d) Development whose primary objective is to conserve or enhance biodiversity should be supported. Opportunities to improve biodiversity in and around developments should be integrated as part of their design especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Policy DM9 of the Core Strategy is consistent with the above and adds that development proposals will be expected to take opportunities to restore or enhance habitats and species' populations and to demonstrate that they will not adversely affect or result in the loss of features of recognised importance.

The Environment Act 2021 is set to introduce requirements to achieve a 10% gain to biodiversity in planning decisions which is expected to become a legal requirement in late 2023, though at the time of writing this is not yet in force nor is it contained within adopted planning policy. As such, the current position is that there should be no net loss in biodiversity. As landscaping is specified to be a reserved matter, details are not required at this stage. However, the impact to the natural environment as a result of any development must be considered at outline stage to determine whether there will be an adverse impact to biodiversity as it could prejudice the development potential of the site. As such, a baseline ecological value needs to be established. A biodiversity net gain report was therefore requested by the planning officer during the course of the application.

The site is a mix of grade 2 and grade 3a agricultural land which is indicated to have been cropped with cereals, which are not of high biodiversity value.

The ecological assessments submitted note that the site has favourable habitat conditions for nesting birds and foraging invertebrates. There is also evidence of activity from a protected species on site which cannot be named (in accordance with the Wildlife and Countryside Act 1981 as amended by the CROW Act 2000 and under the Conservation of Habitats and Species Regulations 2017.). As such, any development must mitigate and compensate the harm posed. If this cannot be demonstrated permission should be refused.

There is also loss posed to flora. Most notably, this would be a small loss of boundary hedgerow for the access and the larger, more notable loss of a portion of existing arable field. The ecology appraisal submitted is interpreted alongside the biodiversity net gain assessment. The ecologist has calculated the the development would result in a gain of 21% in relation to habitat units and 60% in relation to hedgerow units. This would indicate that a 10% gain to

biodiversity can be achieved on site, which is welcomed and precise details can be secured by condition.

It has been noted that The Goosemoor Dyke Local Wildlife Site (LWS) is 1km south of the proposed site which is a stream designated for its water beetle and water bug species. The ecological assessment acknowledges that there will be air and water pollution from the construction and operation of the proposed development would potentially have an adverse impact on this LWS. The Environment Agency have raised no concerns in relation to pollution and have indicated that any discharges from the site would be controlled via environmental permit. The likelihood of harm to this local wildlife site has been considered in relation to the topography of the site and wider surroundings and it is noted that surface water will discharge will run to the north-east of the site, whilst the site is 1km south of the site separated by the highway (Ollerton Road) and further agricultural land. As a matter of planning judgement it would appear that the proposed scale of development is unlikely to pose harm to the stream or species contained within it.

Further to the above, the assessments recommend a mitigation strategy which would compromise the following:

- Submission of a Construction Environment Management Plan and/or landscape and ecology management plan
- Tree and shrub planting
- Enhancement/widening of arable field margins with a grassland mix
- Lighting to be placed sensitively to minimise disturbance to biodiversity
- Conditions for site management during construction to minimise disturbance to onsite species
- Provide skylark plots in the neighbouring field for bird breeding
- Works to be carried out outside of bird breeding season

The Council's statutory consultee in respect of ecology Nottinghamshire Wildlife Trust has agreed that the methodologies and recommendations of the above assessments are satisfactory.

It is however noted that confirmation has not been given to state that the neighbouring landowner has agreed to the provision of skylark habitats on their land and so this cannot be secured as part of the planning permission at this time. Skylarks are on the red list of birds of conservation concern and so if permission was granted this should be sought by the applicant as part of the reserved matters submission.

Detailed landscaping is not proposed at the outline application stage but the application details further planned measures including retention of hedgerows and further growth of the hedgerow fronting Ollerton Road, landscaped embankments and general tree and shrub planting. It is noted that an attenuation pond will also be provided on site for the purposes of drainage but this will also likely deliver benefits to biodiversity.

Whilst the above enhancements are indicative and may be subject to some changes at reserved matters stage, submitted biodiversity net gain assessment indicates that a 10% net

gain can be achieved on site. This exceeds the current policy requirements and will accord with the mitigation hierarchy detailed in paragraph 186 of the NPPF.

ARCHAEOLOGY

Para 209 of the NPPF advises that Councils should consider the impact of a proposal on the significance of a non-designated heritage asset when making a decision. Paragraph 211 of the NPPF is also particularly applicable where archaeology has been identified as a potential issue on site. This paragraph requires that applicants record to provide documentary evidence to advance the understanding of the significance of the heritage asset. Policy DM8 of the Bassetlaw Core Strategy states that there will be a presumption against development that detrimentally affects the significance of a heritage asset.

The site is considered to potentially be of archaeological interest and further information was requested to be secured by condition on the previously refused scheme. The approach with this application remains the same with details to be submitted and agreed by condition should consent be recommended.

FLOODING/DRAINAGE

The NPPF at paragraph 165 and policy DM12 of the Core Strategy makes it clear that development in areas at risk of flooding should be avoided by directing development away from the areas at the highest risk.

Paragraph 173 of the NPPF requires that proposals do not increase flood risk elsewhere and should be developed in line with a site specific flood risk assessment which incorporates a Sustainable Urban Drainage solution.

The site is wholly in flood zone 1 which is the area that is least vulnerable to flooding and the proposal is for a commercial development which is a 'less vulnerable' land use as defined by Planning Practice Guidance. A flood risk assessment has been undertaken as the site is more than 1 hectare in size which is deemed to be satisfactory.

The Environment Agency defers to the Local Lead Flood Authority (LLFA) for comment on the adequacy of the flooding and drainage strategy. The applicant has submitted further information during the course of the application at the request of the LLFA. No objection has been raised by the LLFA subject to a detailed surface water management plan being secured by condition to demonstrate that SuDS can be used as the primary means of surface water management on the site.

On the basis of the above, it is considered that the site can be adequately drained so as not to increase flood risk elsewhere and would be in accordance with Policy DM12 and the guidance contained within the NPPF.

CONTAMINATED LAND

Paragraph 189 of the NPPF requires that in making decisions on schemes consideration is taken account of the ground conditions and any risks arising from contamination.

This site is undeveloped and has been used for agricultural purposes. Environmental Health have noted however that the site could have been used for contaminative uses previously and so have requested a condition for a risk assessment to be carried out and remediation measures (if contamination is identified) to ensure that the land is free from contamination when brought into use.

PLANNING OBLIGATIONS

Paragraph 55 of the NPPF allows Local Planning Authorities to consider whether an otherwise unacceptable development could be made acceptable through the use of planning conditions or obligations.

Paragraph 57 of the NPPF sets out the relevant tests in respect of planning obligations which are as follows:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

The scheme as submitted requires the following infrastructure requirements and developer contributions in line with the NPPF tests outlined above:

- £100,000 for bus service provision
- Provision of bus stop infrastructure within proximity of the site
- Free introductory bus passes for employees
- Detailed BNG strategy to be submitted alongside the reserved matters submission

CIL is also payable for commercial developments in this location and would be chargeable at £15 per square metre in this location.

CONCLUSION/PLANNING BALANCE

As the Core Strategy strategic policies are considered to carry limited weight in decision making, the application has been assessed using the tilted balance test where planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

An assessment of the benefits and negatives provided by the scheme is given below with the weight apportioned to this in making a recommendation on this scheme:

Benefit/Negative of the scheme	Weight given to the benefit/negative in decision making
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Delivery of additional employment land	The projected employment land supply until 2038 is 196.7ha. based on current monitoring, the Council can demonstrate that supply fully meets this anticipated need, there is therefore limited evidence to support that there is demand for additional employment land in the immediate term in this location. As such, the delivery of additional employment land is only given moderate positive weight in the planning balance.
Delivers new jobs, contributing to a prosperous rural economy	The provision of additional employment opportunities in Tuxford will meet the requirements of the economic objectives outlined in paragraph 8 of the NPPF. It could also contribute to a prosperous rural economy as promoted in paragraph 88 of the NPPF. This is given moderate positive weight in the planning balance.
May encourage additional investment into Tuxford	The creation of additional opportunities in Tuxford may encourage new businesses to locate within the area (though some may already operate within the district). This is assumed and is not supported by evidence and so it is given limited weight in the planning balance.
Impact to protected species and biodiversity on site	Protected species have been identified on site and there is habitat potential on site for other species. The Wildlife Trust is satisfied with the findings of the ecological assessment that the impact will be acceptable and can be mitigated against. As there will be adequate mitigation this is a neutral consideration in the planning balance.
Biodiversity Net Gain	The applicant has submitted an assessment demonstrating that 10% biodiversity net gain can be achieved on site to offset the harm of development. As this will go beyond mitigation to enhancement, this is given moderate positive weight.
Unlikely to impact Goosemoor Dyke LWS	There is a Local Wildlife Site approximately 1km south of the site but it is unlikely to be impacted by the proposed development. This is considered to be neutral in the planning balance.
Construction related jobs	There will be jobs created for the construction of buildings and infrastructure required on site. This may only be temporary in nature but it meets the requirements of the

	economic objectives outlined in paragraph 8 of the NPPF and as such it carries a limited positive level of weight in the determination of this case.
Infrastructure contributions (CIL and public transport improvements)	This meets the requirements of the social and environmental objectives as outlined in paragraph 8 of the NPPF however it is needed to mitigate the lack of accessibility of the site; this is considered to be neutral in the planning balance.
Residential Amenity	There will be a low level of impact on residential amenity as the site is physically detached from residential areas. Whilst there will be additional noise, traffic, potential smells and consequent impacts to air quality; the effect is not considered to be significantly harmful. This carries neutral weight in the planning balance.
Impact to landscape character	The development will change the character of an open agricultural field into an industrial site. Whilst mitigation as outlined has been proposed; reduction in site area compared to the 2023 application, inclusion of land grading and landscaping, the field occupies a prominent position from Ollerton Road. To permit sprawling industrial development into the open countryside setting is considered unacceptably harmful. This is given significant negative weight.
Loss of best and most versatile agricultural land (BMV land)	The development will cause the loss of approximately 1.4ha of Grade 2 Agricultural Land. This is given significant negative weight.
Excavation of land	There are no objections from the Minerals and Waste team. This is neutral in the planning balance.
There will be a low level of impact on traffic / highway safety	There will be some additional traffic flows generated by the development but the impact is deemed to be low. The Highway Authority has no objections to this proposal. This is neutral in the balance.
Risks associated with the existing wind turbine sited to the west	The day-to-day impact in terms of noise and shadow flicker is acceptable in consideration of employment use. However in the unlikely circumstance the turbine should fail, the development site could be within toppling distance. This could be mitigated at reserved matters stage through design and so is given limited negative weight.

Archaeology	The site is in an area with high archaeological value potential and investigation/mitigation would be required, however this would not preclude development. This is neutral in the balance.
Flooding and drainage	The LLFA has no objections to the proposal subject to conditions, this is neutral in the balance.
Contamination	The Environment Agency and Environmental Health Team have no objections to the proposal subject to conditions. This hangs neutral in the balance.

Having regards to the matters outlined above, the main benefit of the scheme would be to seek to allow existing businesses to expand/attract new businesses to potentially deliver additional jobs, which would support the rural economy and the potential additional investment which may be delivered in the area as a result of new businesses locating here. However, no identified need has been put forward for further employment land provision and any benefits must be weighed against the harm posed by development.

The primary concern in respect of this development is the change to the rural character of the land in question. The site comprises an open field, which is considered to positively contribute to the character of the open countryside and provides a break between the highway and the established industrial site to the north. Whilst the applicant has scaled back the development compared to that previously refused permission and sought to mitigate the visibility of the site through the reduction in land levels and landscaping, the adjacent highway sits at a higher level than the development site and as such it is likely that any development of the site will inevitably still be prominent within the landscape. When viewed cumulatively with the existing form of Walkers Industrial Estate, the landscape will it is considered be increasingly dominated by industrial uses which would be to the detriment of the otherwise rural character of this location.

There are other impacts from the development which have largely been mitigated. There is evidence of the presence of protected species on site, however the impact is not deemed to preclude development of the site subject to adequate mitigation and the applicant has submitted evidence to indicate improvements will be implemented. This is further supported by evidence that a 10% net gain to biodiversity can be achieved on site, which is above the current policy requirement of no net loss. This is welcomed, however this is given moderate positive weight as there will inevitably be some harm.

It is also noted that there is a limited safety risk associated with the small possibility that the adjacent wind turbine may fail. Whilst any increase in likely danger should be avoided, this is an outline application and the reserved matters does have capacity to provide a layout which would ensure a safe stand-off distance can be achieved.

It must be acknowledged that there are no objections to the development on the basis of highway safety but the location of the proposed development is not considered to be the most

sustainable. But, as stated in the report, the development will adjoin an existing operational industrial site and any permission will require contributions to improve bus service provisions to the site. As such, these improvements could be considered to permit less sustainable locations for employment related development in accordance with paragraph 85 of the NPPF. This is subject to development being sensitive to its surroundings which, in landscape terms, it is not considered to be.

Other matters stated weigh neutrally in the planning balance.

It is also important to consider whether the loss of best and most versatile land is justified. It has been acknowledged that the loss of some grade 2 land may be acceptable and in this instance there is a good supply of agricultural land retained in the parcels surrounding the site. However, the wider harm to the landscape weighs against the loss of best and most versatile agricultural land. There is also no significant evidence of need for additional employment land and as such, the justification does not outweigh the resulting loss of grade 2 agricultural land.

A full analysis of the proposal has been undertaken and based on planning material considerations it is concluded that the benefits identified are significantly and demonstrably outweighed by the harm to the landscape character and the loss of best and most versatile agricultural. Accordingly it is recommended that planning permission is refused.

RECOMMENDATION: REFUSE OUTLINE PLANNING PERMISSION

REASONS:

1. Policy DM1 of the Bassetlaw Local Development Framework states proposals for economic development in rural areas will be supported where they can demonstrate, amongst other criteria, that the scale, design and form of the proposal, in terms of both buildings and operation, will be appropriate for its location and setting and be compatible with surrounding land uses

Policy DM4 of the Bassetlaw Local Development Framework states that permission will only be granted for residential development that is of a high quality design, that respects its wider surroundings in relation to forms, density and landscape character.

Policy DM9 of the Bassetlaw Local Development Framework states new development proposals in and adjoining the countryside will be expected to be designed so as to be sensitive to their landscape setting. They will be expected to enhance the distinctive qualities of the landscape character policy zone in which they would be situated, as identified in the Bassetlaw Landscape Character Assessment. Proposals will be expected to respond to the local recommendations made in the Assessment by conserving, restoring, reinforcing or creating landscape forms and features accordingly.

Paragraph 135 of the NPPF also states that development should be sympathetic to local character including the surrounding built environment and landscape setting.

The site in question is identified in the Bassetlaw Landscape Character Assessment as Mid Nottinghamshire Farmlands. The landscape policy for this area seeks to conserve pastoral farmland and reinforce field patterns and boundaries. It further states that new commercial buildings should be sensitively sited and designed.

The proposed development will be of sprawling industrial character which extends from the existing industrial estate from the north and will occupy a prominent position, further eroding the visual break between the industrial site to the north and the highway. Consequently, the landscape character will be adversely impacted by the majority loss of this open field. It is not considered possible to adequately mitigate the impact with landscaping or design and notwithstanding supporting information it is considered that the development will be highly visible from Ollerton Road. As such, the development would result in the loss of open, rural character which would result in unacceptable harm to the landscape and conflict with the recommendations in the Landscape Character Assessment.

Accordingly such development would conflict with the policies and guidance outlined above.

2. Paragraph 180(b) of the NPPF states that planning policies and decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land and of trees and woodland.

The proposal would result in the loss of approximately 1.4 hectares of grade 2 agricultural land. There is considered to be insufficient evidence to justify the loss of best and most versatile agricultural land and the development would not be sensitive to the surrounding rural character. The proposal would therefore fail to accord with the guidance set out in paragraph 180(b) of the NPPF.