



Planning Report for 2022/0009



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Report to Planning Committee

Application Number:	2022/0009
Location:	Sarval Stoke Lane Stoke Bardolph NG14 5HJ
Proposal:	Erection of baggage storage facility on a raft foundation.
Applicant:	Sarval (Nottingham) Ltd
Agent:	John Hill Associates
Case Officer:	Alison Jackson

The application has been referred to Planning Committee by the Planning Delegation Panel to allow matters in respect to Green Belt policy to be considered.

1.0 Site Description

- 1.1 Sarval is situated on the north side of Stoke Lane and comprises a group of industrial buildings which are used for animal bi-product processing. The plant site is generally flat.
- 1.2 The site is situated in the Nottingham Green Belt and within land at risk of flooding (Flood Zone 2).

2.0 Relevant Planning History

- 2.1 2017/0537 – permission granted for the erection of a lorry wash facility, comprising a concrete yard area, plinth, screening and a pump room building.

3.0 Proposed Development

- 3.1 Planning permission is sought for the retention of a detached building on the site being used as a baggage storage facility for the storage of animal bi-products, the building is constructed on a raft foundation. The building is finished in profile cladding
- 3.2 The building has an overall footprint of approx. 400 square metres.
- 3.3 During the processing of the application a Planning Statement was submitted to accompany the application to explain the requirement for the development

as proposed and to provide a justification for the development in this Green Belt location. The contents of this document are summarised below;

- 3.4 Whilst the site is located within the Green Belt, local and national planning policies state that the infilling and redevelopment of brownfield land is not inappropriate development and therefore the development would be appropriate in this location. It also concludes that the development as proposed would not have a greater impact on the openness of the Green Belt than the existing development at the site, the proposal would in fact improve the appearance of the site as storage would be contained within the proposed building rather than on the open areas of the site.
- 3.5 In addition to the above the document states that the proposed development would provide economic benefits in accordance with the economic strategy, providing investment in an existing business enabling a more efficient and sustainable operation and attract further investment in the future.
- 3.6 The site provides employment and the proposal would improve the working conditions of staff at the site. The use of the proposed building would also result in reduced noise emissions from the site as the loading of the storage bags would be undertaken within the confines of the building.
- 3.7 During the processing of the application a further letter has been submitted by the applicant's agent, dated the 20th June 2023, providing further justification and very special circumstances to justify the development in this Green Belt location, the contents of this are summarised below:
 - It is considered that the development comprises the infilling and the redevelopment of previously developed land;
 - It is not considered that the building has an adverse impact on the openness of the Green Belt given that the building lies within a wider complex of similar and indeed larger buildings;
 - Previous planning applications on the site for development were not considered to result in inappropriate development;
 - Views into the site are limited;
 - There should be a holistic approach which considers not only the footprint and scale of the building but also the context of the building, in this instance within the existing site complex, the building in question having no greater impact than the existing development;
 - It is considered that the building falls within the exception listed under paragraph 149 of the NPPF 2021 and within the requirements of policy LPD15 of the Local Planning Document 2018 and therefore is appropriate development and it is not necessary to demonstrate very special circumstances in this instance. The Council however have reached a different conclusion and consider that the development results in inappropriate development within the Green Belt and therefore very special circumstances are required to be demonstrated, this being the case the very special circumstances are set it below:

- Operational requirement for the building to improve the amenity and environment of the site for employees and the local community.
- Enhanced operational efficiencies to support investment for future growth and jobs at the site;
- Increased efficiency and modernisation to support viability and future investment;
- Local employer providing local jobs;
- Local multiplier effect of existing and future investment in the site;
- Future investment opportunities at the Sarval site at Stoke Lane;
- Development of previously developed land within the wider complex.

3.8 A Flood Risk Assessment has been submitted with the application.

4.0 Consultations

4.1 A press notice was published, a site notice displayed and neighbour notification letters posted. As a result of the consultation undertaken no letters of representation were received.

4.2 Stoke Bardolph Parish Council – no comments received.

4.3 Nottinghamshire County Council (NCC) Highway Authority – no objections.

4.4 Scientific Officer (Contamination) – no objections.

4.5 Environment Agency (EA) – the application should be assessed against the EA's Standing Advice.

5.0 Assessment of Planning Considerations

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2021 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG).

6.0 Development Plan Policies

6.1 The following policies are relevant to the application:

6.2 At the national level the National Planning Policy Framework (NPPF) (2021) is relevant. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF sees good design as a key element of sustainable development. The following sections and paragraphs are particularly pertinent.

- Section 12 (Achieving well-designed places), Paragraph 124 states that “Good design is a key aspect of sustainable development creates better places in which to live and work and helps make development acceptable to communities”.
 - Section 13 (Protecting the Green Belt) Paragraph 134 outlines the 5 purposes served by the Green Belt.
 - Section 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change) states at paragraph 159 that development in flood risk areas should be made safe for the developments lifetime without increasing flood risk elsewhere.
- 6.3 Paragraph 137 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 6.4 Paragraph 138 goes on to state the five purposes of Green Belt:
- a) to check the unrestricted sprawl of large built up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.5 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 6.6 Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt with a few exceptions, see below:
- a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

6.7 The following policies of The Adopted Core Strategy (ACS) 2014 are pertinent to the determination of the application:

- Policy 1 (Climate Change) – sets out the policy in respect to climate change.
- Policy 3 (The Green Belt) – sets out the policy with respect to the Green Belt.
- Policy 10 (Design and Enhancing Local Identity) sets out the criteria that development will need to meet with respect to design considerations.

6.8 The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. Policies relevant to the determination of this application are as follows:

- LPD 3 (Managing Flood Risk) states that planning permission will be granted for development subject to a number of criteria including that the development does not increase the risk of flooding on the site or elsewhere.
- LPD 7 – Contaminated land - sets out the approach to land that is potentially contaminated.
- LPD 15 - Infill Development within the Green Belt Within the villages of Linby, Papplewick and Stoke Bardolph, those parts of Lambley and Woodborough that are within the Green Belt and within the boundaries of previously developed sites within the Green Belt, the construction of new buildings is not inappropriate provided:
 - a. the scale of development is limited;
 - b. the proposal is for the development of a gap within a village or site which is enclosed by buildings on at least two sides;
 - c. the proposal is for development within the fabric of the village or a previously developed site;
 - d. the proposal does not have a detrimental impact on the openness of the Green Belt or the reasons for including land within it;
 - e. the proposal does not adversely affect valuable views into or out of or in the village or site; and
 - f. the proposal is in keeping with surrounding character in terms of height, bulk, form and general design.
- LPD 32 (Amenity) states that planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.

- LPD 61 – Highway Safety - states that planning permission will be granted for developments that do not have a detrimental impact upon highway safety, movement and access needs.

7.0 Planning Considerations

Principle of the development in the Green Belt and Impact on Visual Amenity

- 7.1 Having regard to paragraph 149 of the NPPF this states that the construction of new buildings within the Green Belt constitutes inappropriate development and lists a few exceptions to this, as set out above. The proposal does not fall within one of the exceptions as listed under a) to f) and therefore in respect to these exceptions the proposal would constitute inappropriate development.
- 7.2 However the last exception under this paragraph states;
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings)
- 7.3 In this respect is it considered that as the proposed building would be located within the confines of the existing industrial site which would be considered as previously developed land, as defined in annex 2 of the NPPF, the construction of a new building could be considered appropriate development in this Green Belt location however the latter part of paragraph 149 has to be taken into account in regard to all the possible exceptions listed, this latter part of the paragraph states:
- not have a greater impact on the openness of the Green Belt than the existing development;
- 7.4 So whilst I would agree that the erection of the proposed building would be considered as the partial redevelopment of previously developed land, (g), the proposal has to result in no greater impact on the openness of the Green Belt than the existing development.
- 7.5 It is this aspect therefore that the proposal does not meet, the building as proposed would equate to approximately 400 square metres in floor area which is my opinion is a significant footprint on this area of the Sarval site which is currently free of built form. Therefore, given the location of the proposed building, together with its scale, it is considered the proposal would not satisfy any of the exceptions listed under paragraph 149 of the NPPF and as it would reduce the openness of the Green Belt it would result in inappropriate development in the Green Belt.
- 7.6 Policy LPD15 also sets out that new buildings in the Green Belt can be considered appropriate provided they meet all of the criteria in a) to f) as set out above.
- The proposal would be considered as development of previously developed land which would meet criterion c) and it would not affect valuable views into or out of the site which would meet criterion e), however the other criteria in this policy are not met: the development

cannot reasonably be described as being limited given its scale; the development is not the development of a gap within a village or site which is enclosed by buildings on at least two sides; the proposal would have a detrimental impact on the openness of the Green Belt given its scale and siting; and the proposal would not be in keeping with the surrounding character given that this area of the site is free from built form.

- 7.7 The proposal would therefore be considered inappropriate development and such inappropriate development is harmful to the Green Belt by definition and should not be approved except in very special circumstances. Whilst it is noted that the applicants agent has submitted a document in support of the proposal and having considered its contents fully it is not considered that very special circumstances have been put forward to support the proposed development and therefore very special circumstances have not been demonstrated. The proposed development is therefore contrary to Section 13 of the NPPF, ACS3 and LPD 15.

Flood Risk

- 7.8 It is noted that the site is situated within Flood Zone 2 and therefore the application should be accompanied by a Flood Risk Assessment (FRA) This was not initially submitted however a FRA has now been submitted to accompany the application.
- 7.9 Having now liaised with the EA in respect to the submitted FRA the EA has advised that the development should be assessed against their Standing Advice.
- 7.10 Having assessed the EA's Standing Advice, whilst this states that a Sequential Test should be undertaken to locate development in less vulnerable areas and an Exception Test maybe also be required. In regard to the Sequential Test I note that the submitted FRA states that the development cannot be located elsewhere due to the fact that it is operationally linked to the existing business on the site.
- 7.11 In respect to the Exceptions Test as the development is considered less vulnerable it is considered appropriate development in flood zone 2 and therefore the exceptions test does not need to be applied.
- 7.12 The FRA recommends that the minimum finished floor level of the building is 20.71mAOD. The FRA confirms that this is the finished floor level of the building and therefore this combined with the flood resilient construction the building should be safe for the lifetime of the development.
- 7.13 Given the above I am therefore satisfied that provided the development is retained in accordance with the details contained within the submitted FRA the development results in no significant flood risk issues in this instance and does not increase the risk of flooding to adjacent sites.
- 7.14 The application is therefore deemed to comply with the guidance within the NPPF and policy LPD3.

Highway Safety and Parking

- 7.9 As the existing access arrangements into the site would be utilised in order to gain access to the site and off road car parking would remain at the site there are no highway safety or parking implications arising in this instance. The application is therefore deemed to comply with policy LPD61.

Impact upon residential amenity

- 7.10 Given the nature of the development and the relationship and distance with neighbouring properties the development would result in no undue impact on neighbouring residential amenity. The application is therefore deemed to comply with policy LPD32.

8.0 Conclusion

- 8.1 Taking the above into account, it is considered that the proposal would have a harmful impact upon the openness of the Green Belt and would represent inappropriate development within the Green Belt. The proposal is therefore contrary to Section 13 of the NPPF and LPD 15 and planning permission should be refused. Whilst there is not considered to be conflict with other mentioned policies, this is not considered to outweigh the overriding identified harm.

Recommendation: Refuse Planning Permission for the following reasons:

Reasons

- 1 It is considered, given the location, size and scale of the proposed building, the proposal would harm the openness of the Green Belt therefore resulting in inappropriate development in the Green Belt without very special circumstances demonstrated to outweigh the harm identified, contrary to Section 13 of the NPPF and LPD15.

Notes to Applicant

Planning Statement - There are fundamental policy objections to the proposal and it is considered that these cannot be overcome. In order to avoid the applicant incurring further abortive costs, consideration has not been delayed by discussions, which cannot resolve the reasons for refusal, to facilitate a decision in a timely manner.

You are advised that as of 16th October 2015, the Gedling Borough Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website.