

PLANNING COMMITTEE – 5 JUNE 2018

Application No:	18/00636/FUL	
Proposal:	Provision of free standing Classroom, Tool Store, Portaloo and installation of removable training test track.	
Location:	Land at Newark Lorry Park, Great North Road, Newark On Trent, NG24 1BY	
Applicant:	Mr Robert Parkin - Trackwork Ltd	
Registered:	24 March 2018	Target Date: 19 June 2018

This application is presented to the Planning Committee for determination because Newark and Sherwood District Council own the land.

The Site

The 0.31 Ha triangular shaped site forms the north east corner of the existing Newark Lorry Park within the Newark Urban Area.

To the north west is an area of landscaping which separates the lorry park from the A46 bypass which is set higher with the intervening land being embanked with mature trees and vegetation forming a good level of screening. To the south east is the railway line which is bounded by some vegetation and green mesh fencing. Beyond the railway line is Newark Conservation Area and a Grade II Listed Goods Warehouse. To the south is part of the existing lorry park site, beyond which is the rear staff car park for the Council Offices at Castle House (set behind a metal palisade fence).

The access to the site is through the existing Lorry Park. The site currently contains heras fencing and three small shipping containers.

The site lies within Flood Zone 2.

Relevant Planning History

12/00896/FUL Use of part of lorry park to hold car boot sales every Sunday and Bank Holiday – permission 27.09.2012

01870379 Construction of livestock market car and lorry parks – permission 28.09.1987

The Proposal

The application seeks full planning permission for the provision of a free standing classroom, tool store, portaloo and removable training test track.

The Applicant (Trackwork Ltd) has stated that the development would be used for training purposes for the locally unemployed. Trackwork Ltd specialise in Rail Engineering Training programmes and is the reason why they have chosen this site adjacent to the operational network. The proposal would be delivered in partnership with the West Nottinghamshire College and the local DWP. They intend to build temporary rail stillage within the compound to enable the Learners to gain specific skills that are required. The test track would measure approximately 25 metres in length.

The free standing classroom would measure 9.8 metres by 3 metres by 2.7 metres high. It would have the appearance of a green shipping container with windows and doors inserted.

The tool store would measure 12.2 metres by 3.7 metres by 2.7 metres high. It would have the appearance of a green shipping container with windows and doors inserted.

The portaloos would measure 1.2 metres by 1.2 metres by 2.3 metres high made from moulded polythylene in grey or white.

Nine car parking spaces are proposed. The application form confirms that there would be thirteen people being trained at the site at any one time and the operational hours would be 08:00 – 16:30 Monday to Friday.

A Flood Risk Assessment and Sequential Test information have been submitted in support of the application.

Departure/Public Advertisement Procedure

Occupiers of 39 properties have been individually notified by letter.

A site notice was posted 26.04.2018.

A press notice was published 03.05.2018.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (Adopted March 2011)

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 7 - Sustainable Transport
Core Policy 6 – Shaping our Employment Profile
Core Policy 9 - Sustainable Design
Core Policy 14 – Historic Environment
NAP1 – Newark Urban Area

Allocations and Development Management DPD (Adopted July 2013)

Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy
Policy DM5 - Design
Policy DM7 - Biodiversity and Green Infrastructure
Policy DM9 – Protecting and Enhancing the Historic Environment
Policy DM10 – Pollution and Hazardous Materials
Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework (NPPF) 2012
National Planning Policy Guidance (NPPG) 2014
Newark and Sherwood Amended Core Strategy DPD 2017
Technical Guidance to the National Planning Policy Framework 2012

Consultations

Newark Town Council: No Objection was raised to this application at Newark Town Council's Planning Meeting held on 2nd May 2018.

Cadent Gas Plant Protection: Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified. Can you please inform Plant Protection, as soon as possible, the decision your authority is likely to make regarding this application.

The apparatus that has been identified as being in the vicinity of your proposed works is:

Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)

BEFORE carrying out any work you must:

Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.

Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.

Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47

Avoiding Danger from Underground Services' and GS6

Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>

In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

Trent Valley Internal Drainage Board: The site is within the Trent Valley Internal Drainage Board district. The Board maintained Old Trent Dyke Pt.1, an open watercourse, exists along the boundary of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. The Board's consent is required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert. The Board's consent is required for any works, whether temporary or permanent, in, over or under, any Board maintained watercourse or culvert. The Board's consent is required for any

works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required). The Board's consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board's machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works. The applicant should therefore note that the proposals described within this planning application may need to be altered to comply with the Board's requirements if the Board's consent is refused.

Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

Environment Agency: This proposal falls in Flood Zone 2 and standing advice can be applied.

Network Rail: No comments received.

NCC Highways: The application site is to be used for Rail Engineering training purposes only. Vehicular access to the site is from the existing access at Great North Road, which also serves Newark livestock market. The site is a considerable distance from the public highway and is not expected to have a significant impact, therefore, there are no highway objections to this application.

Lead Local Flood Authority: No comments received.

NSDC Conservation Officer:

The Lorry Park abounds Newark Conservation Area (CA). There are a number of designated heritage assets in the wider vicinity.

Legal and Policy Considerations

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. Section 72 requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm. The courts have said that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development within their setting (paragraph 137).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

Significance of Heritage Asset(s)

The lorry park is situated on land adjacent to the Cattle Market on Great North Road and is prominent on approach into the historic town. Although not within the boundary, the lorry park is within the setting of Newark CA (the boundary follows the railway line on a northeast tangent). The CA was originally designated in 1968 and focused on the Market Place. In 1974, the CA was extended to include Millgate, Parnhams Island and the traditional residential streets up to Victoria Street. The CA was then extended in four more stages: in 1979 when a more rational boundary to the central area was defined; in 1987 when the majority of Northgate either side of the Trent was included; and in 1992 and 1995 when the London Road suburbs and the Cemetery were added. The land forming the Lorry Park has limited interest in its own right, although does make some modest contribution to the general openness of the CA landscape setting.

The part of the lorry park in which the proposal will be located is directly adjacent to the railway line, close to a Grade II listed former goods warehouse. There are a number of listed buildings in the wider context of the site, including the Grade II listed Castle Station and various other former industrial buildings such as the kiln warehouse which is Grade II* listed.

The Edwardian tree lined avenue along Great North Road, which was paid for by public subscription in the early 20th century, is an important feature of the town entrance, and views of the Castle (Grade I, Scheduled Monument) and St Mary Magdalene (Grade I) are positive. The relationship of the Great North Road as a historic thoroughfare into Newark with surrounding heritage assets, including the 18th century Smeaton's Arches (Grade II) and various Civil War earthworks, is an important aspect of the town's setting and significance.

Assessment of Proposal

The proposal seeks to erect a free standing class room building with a detached tool store container, W.C. and railway testing line. Heras fencing will enclose the site.

The proposal will have some impact on the setting of the CA and nearby former listed goods shed (now converted to apartments). It is accepted that the existing lorry park and railway line have an industrial character, and in this context, the proposal will not be too incongruous. The structures are relatively modest in scale, and the short railway track blends in with the parallel main line. Nevertheless, the flat roof buildings do not reflect local vernacular buildings, and the development will be slightly at odds with the adjacent historic 19th century buildings.

It is acknowledged that the development will provide training opportunities, and thus is likely to be perceived as having public benefit. In addition, mitigation is offered through the green finish of the metal buildings.

Overall, it is felt that the development will not fundamentally harm the historic environment, although if approved, the development should be conditioned so as to remove all related buildings and fences once the permitted use has ceased. This will help preserve the setting of designated heritage assets in this case.

NSDC Environmental Health Officer (Contaminated Land):

Comments received 08.05.2018:

Given the submission of further information I can confirm that the full contamination condition will not be required for this application. If in the future there is ever going to be any permanent structures/buildings or underground services then this may need to be revisited.

Comments received 22.05.2018:

The application site forms part of former railway sidings and there is the potential for contamination to be present from this former use. I would request the use of our full phased contamination condition.

NSDC Environmental Health Officer (Reactive): No objection.

NSDC Access and Equalities Officer: It is recommended that the developer be advised to give consideration of access to and use of the proposals. In particular, inclusive access to and around the facility together with adequate manoeuvring space should be carefully considered with suitable level and inclusive access to available facilities. It is further recommended that the developer make separate enquiry regarding any Building Regulations matters and be mindful of the provisions of the Equality Act.

No letters of representation have been received from neighbouring properties.

Comments of the Business Manager

Principle of Development

The Core Strategy is explicit in identifying that the Newark Urban Area is the Sub-Regional Centre for the District which will form the focus for further development and growth over the identified plan period. The Allocations and Development Management DPD has qualified the preferred location of part of this growth through the allocation of sites for a number of uses.

Core Policy 6 supports the strengthening and broadening of the economy of Newark and Sherwood District and requires most growth to take place within Newark. The proposed development would provide a training facility for the locally unemployed seeking a career relating to the railway. As such, the proposal would facilitate increased employment levels in accordance with the aims of Core Policy 6 and to the benefit of the local economy.

The principle of development is therefore considered to be acceptable subject to an assessment of the site specific considerations set out below.

Impact on Visual Amenity including setting of Listed Buildings and the Character and Appearance of the Conservation Area

Policies CP14 and DM9 require continued preservation and enhancement of heritage assets. The principal act also requires that special regard is given to the preservation of heritage assets. Local planning authorities need to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Where a development proposal 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, including securing its optimum viable use.

Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

The proposal has the potential to affect the character and appearance of both the adjacent Conservation Area and also the setting of nearby listed buildings including the Grade II Goods Warehouse, Newark Castle Station and other listed warehouses in the vicinity.

The proposed buildings and heras fencing are temporary and industrial in appearance and are not considered to be in keeping with character and appearance of nearby buildings and those of heritage value in particular. Lorries when parked often screen views of the site from the surrounding area. Even when there are no parked lorries, views of the site from the public realm are limited due to the location of the site to the rear of Castle House. There is also a level of screening provided by existing landscaping to the north, east and west of the site which would be unaffected by the proposed development. As such, whilst I do not consider the proposed buildings and fencing in particular to be in keeping with the character of the area, I do not consider that they would be unduly prominent to the detriment of the visual amenity of the surrounding area.

The Conservation Officers' comments are set out in full in the 'Consultations' section above and concludes that the development would not fundamentally harm the historic environment. I concur with this view particularly taking the current industrial nature of the site and adjacent railway line. I also attach weight to the public benefits of the proposal in relation to the training of unemployed people which would facilitate increased employment levels to the benefit of the local economy and community.

On balance, whilst I do not consider the proposal to be in keeping with the area, the harm identified is outweighed by the benefits of the proposal in this instance. Subject to conditions relating to the removal of the buildings on cessation of their use, it is considered that the proposed development would be in accordance with the NPPF, Core Policy 14 of the Core Strategy and Policy DM9 of the Allocations and Development Management Development Plan Document (DPD).

Contaminated land

Policy DM10 of the DPD states that where a site is highly likely to have been contaminated by a previous use, investigation of this and proposals for any necessary mitigation should form part of the proposal for re-development.

The application site has the potential to be contaminated due to the sites location adjacent to the railway. The Application confirms that the placing of building and track on site would at no time involve the breaking into the ground as all services will be above ground. They have also confirmed that as part of the training programme, learners are taught about the hazards relating to rail infrastructure and this includes contamination. On this basis, the Environmental Health Officer raises no objection to the proposed development. This is in accordance with the requirements of Policy DM10 of the DPD.

Impact on Flooding

Core Policy 10 (which is in line with the NPPF) states that through its approach to development, the Local Development Framework will seek to, amongst other criteria; locate development in order to avoid both present and future flood risk. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

The site is located within Flood Zone 2 and is therefore a site at risk of flooding (medium probability). In flood vulnerability terms, I consider the proposal to fall into the 'less vulnerable' use category where development is appropriate in Zone 2.

The NPPF sets out policy on flood risk stating that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. It goes on to say that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

The Applicant has submitted further information in relation to available alternative sites for the proposed development.

The site needs to be readily accessible from key public transport links available within Newark Town Centre in order to provide convenient access for as many learners in the District as possible. As part of the delivery of the training, direct access to a live railway line is required. Both of these factors significantly limit the number of potential alternative sites available.

I have no evidence to confirm that there is any other suitable land for sale available at the time of writing this report other than a parcel of land located off Cow Lane. However, this site is also located in Flood Zone 2 and is not therefore considered to be sequentially preferable to the application site. In addition, the Applicant has confirmed that this site is less suitable because it is

further away from the railway and less secure. Consideration of alternative sites has therefore revealed that there are no sites suitable or reasonably available for development and it is considered that the proposal passes the sequential test.

It is also necessary to demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. A Flood Risk Assessment has been submitted with the application albeit this does include all of the information required to enable a full assessment of the proposal against Vulnerable Developments Standing Advice. As such, it is considered appropriate to impose a condition in relation to finished floor levels and emergency escape plans. Following a discussion with the Environment Agency, it was agreed that in the absence of knowing the exact flood levels of the site (and given the temporary nature of the buildings proposed), that a pragmatic solution is to impose a planning condition requiring ground floor levels of the buildings to be a minimum of 300 millimetres (mm) above the general ground level of the site.

As such the proposal is considered acceptable in accordance with the aims of Core Policy 9 and Core Policy 10 of the Core Strategy and Policy DM5 of the DPD.

Impact on Highways

Policy DM5 seeks to ensure adequate access and parking is provided for development and SP7 relates to sustainable transport. The proposal utilizes an existing access off Great North Road. The Highways Officer raises no objection to the application as it is considered to have a negligible impact on the public highway. As such, the proposal is considered to comply with the highways requirements of Policy DM5.

Impact on Neighbouring Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers. Given the nature of the proposed use along with use of the existing site and surrounding uses, it is not considered that that an unacceptable impact on amenity would result and therefore the proposal accords with Policy DM5 of the DPD.

Conclusion

The proposed development would provide a training facility for the locally unemployed and would facilitate increased employment levels in accordance with the aims of Core Policy 6 and to the benefit of the local economy.

In relation to the sites location within Flood Zone 2, the sequential test is considered to be passed and it is not considered that the proposal would result in increased levels of flood risk subject to planning conditions.

On balance, whilst I do not consider the proposed temporary buildings and fencing in particular to be in keeping with the character of the area, I do not consider that they would be unduly prominent and the harm identified is outweighed by the benefits of the proposal in this instance. Furthermore a condition would ensure the removal of the buildings and equipment on cessation of the use of the site.

No other harm has been identified and the proposal would not result in any adverse impact upon neighbouring amenity, highway safety or contaminated land. It is therefore considered that the scheme is acceptable and should be approved subject to conditions.

RECOMMENDATION

That full planning permission is approved subject to the following conditions:

01

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

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

02

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

SK001/P2 Newark Site Layout

Portaloo Specifications (Received 18.04.2018)

Typical Classroom Elevations (Received 24.04.2018)

30' x 10' Steel Office Unit

40' x 12' Steel Office Unit

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission and for the avoidance of doubt following the submission of amended plans.

03

A Flood Warning and Evacuation Plan shall be submitted to and agreed in writing with the Local Planning Authority, and implemented prior to first use of the buildings hereby permitted. The development shall be carried out in accordance with this approved plan. The plan should include provisions for signing up to the Environment Agency's Flood Warning Service for early warning of potential flood events, details of how information would be disseminated and how occupants would be evacuated.

Reason: To safeguard against the risk of flooding in accordance with the aims of the NPPF and Core Policy 10 and Policy DM5 of the DPD.

04

The ground floor levels of the buildings hereby permitted shall be a minimum of 300 millimetres (mm) above the general ground level of the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard against the risk of flooding in accordance with the aims of the NPPF and Core Policy 10 and Policy DM5 of the DPD.

05

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and the setting of heritage assets in accordance with Core Policy 14 of the Core Strategy and Policies DM5 and DM9 of the Allocations and Development Management Development Plan Document (DPD).

06

All buildings, test track and ancillary equipment must be removed from site within 6 months of the use of the site ceasing to be operational.

Reason: The application site lies in the setting of a number of heritage assets including a Conservation Area and it is important that once the development has ceased the site is returned to its original state in the interests of visual amenity and the character and appearance of the area in accordance with Core Policy 14 of the Core Strategy and Policies DM5 and DM9 of the Allocations and Development Management Development Plan Document (DPD).

Notes to Applicant

01

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.

02

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 accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

The Board maintained Old Trent Dyke Pt.1, an open watercourse, exists along the boundary of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. The Board's consent is required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert. The Board's consent is required for any works, whether temporary or permanent, in, over or under, any Board maintained watercourse or culvert. The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required). The Board's consent is required irrespective of any permission gained under the Town and Country Planning Act 1990.

04

Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified

BEFORE carrying out any work you must:

Carefully read the consultation letter received from CADENT ON 1 May 2018 including the attached guidance documents and maps showing the location of apparatus.

Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.

Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47

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Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>

In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

Background Papers

Application Case File

For further information, please contact Helen Marriott on ext 5793.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Matt Lamb
Business Manager - Growth & Regeneration

Committee Plan - 18/00636/FUL



