

PLANNING COMMITTEE – 27 APRIL 2021

Application No:	20/01813/FUL	
Proposal:	Erection of a gantry structure, crane to run along the gantry and enclosed frame on existing industrial site (retrospective)	
Location:	International Export Packages Ltd, P A Freight International, Farndon Road, Newark On Trent, NG24 4SP	
Applicant:	PA Freight - Mr Andrew Morris	
Agent:	Mortec - Mr Matthew Tucker	
Registered:	9 October 2020	Target Date: 4 December 2020
Link to Application Document:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QH09D6LBJHX00	

Cllr Girling has requested that the application be called in for determination by Planning Committee due to *“Given the size, height and positioning and prominence I think this has an unacceptable impact which needs to be properly considered with balance By [sic] the planning committee. It also severely effects [sic] residential amenity and in my opinion all of this harm should Not [sic] be outweighed [sic] by the business case of the applicant”*.

The Site

The application site relates to an existing logistics, warehousing and distribution centre, occupied by PA Freight. PA Freight are a specialist packing and freight company who organise the safe shipping and transport of abnormal loads across the world.

The freight site is occupied by a diverse range of buildings, comprising warehousing, a Nissan hut, stores, workshops, portacabins and offices as well as a concrete surfaced handling yard for the freight. The buildings are all contained within a secured compound and are partly screened by mature conifer trees and fencing.

Access to the site has been historically taken along an 80 metre private drive from Farndon Road, which is located immediately adjacent to a property known as ‘Camahieu’ (No 153). Access is now achieved off and arm of the A46 roundabout. This access also serves a residential dwelling located to the east of the site called Cranleigh Park, 153a Farndon Road located to the east of the PA Freight site which adjoins the open countryside.

Immediately to the east of the dwellings on Farndon Road is a strip of land (which appears to be a yard used for HGV parking) which separates the PA Freight site from the rear gardens of residential development on Farndon Road. Willow Cottages are located to the north of the site.

Land to the south of the freight site is an agricultural field, which borders the River Devon to the east and Fosse Road to the west.

The buildings at PA Freight (PAF) sit within Newark Urban Area, whilst the adjoining field including existing lorry park area, new lorry park with extant planning permission and accesses located within the open countryside and the Farndon Open Break.

The site lies within flood zone 2 and 3.

Relevant Planning History

11/01300/FULM Re-configuration of access arrangements to existing freight yard and provision of new parking and turning area for commercial vehicles – permission 07.10.2020

20/00609/S73 Application to vary conditions 1 and 2 attached to planning permission 15/00292/FUL to allow the crane to be retained on site for a further three years and the exterior of the crane to be covered with a green metal façade – withdrawn 09.06.2020

15/00292/FUL Erection of a new gantry crane on an existing industrial site – permission 10.07.2015 subject to conditions that states:

- *The crane hereby permitted shall be removed and the land restored to its former condition on or before 3 years from the date the gantry crane hereby approved is installed on site.*

Reason: To reflect the temporary nature of the permission and to ensure that the use remains compatible with the character of the surrounding area and in the interests of residential amenity.

- *The hedging along the northern, eastern and western boundaries shall be retained at a minimum height of 9.5 metres for the lifetime of the development unless otherwise agreed in writing by the local planning authority. Any trees or shrubs which die are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar size and species to those replaced, or otherwise first approved in writing by the local planning authority.*

Reason: In the interests of residential and visual amenity.

- *The use hereby permitted shall not take place outside the following:-
Monday - Saturdays 6am to 8pm
Sundays, Public or Bank Holidays 9am to 4pm*

Reason: In the interests of residential amenity.

- *The applicant shall provide written notification to the Local Planning Authority within 7 days of the gantry crane hereby approved being installed on site.*

Reason: To allow the Local Planning Authority to make provision for monitoring of the development given the temporary nature of the permission.

07/00848/FUL Widening of existing road and provision of turning area and temporary parking area for commercial vehicles (retrospective) – permission 11.08.2007

05/02621/FUL Increase height of warehouse (retrospective) – permission 19.01.2006

03/02978/FULM Proposed new logistics training centre, warehousing and offices together with related car and lorry parks and landscaping – refused 11.08.2004

02/02656/OUT Proposed new offices and lecture theatre and new warehouse facilities – refused 06.02.2003

02/01147/FUL Proposed new access drive to serve adjacent private house – permission 16.09.2002

96/51057/FUL Erect storage shed – permission 24.02.1997

93/51036/FUL Change of use of former gardens to yard – permission 11.11.1993

01901427 Erect new storage shed, oil and general store – permission 12.02.1991

01851130 Replacement storage building – permission 27.01.1986

01881459 Refurbishment and extension to stores and staff facilities – permission 09.01.1989

The Proposal

The application seeks full planning permission for the retrospective erection of a gantry structure and crane housed within enclosed frame. The frame has the appearance of a building.



Enclosed Frame



Gantry structure and crane

The following documents have been submitted with the application:

- Planning Statement
- Site Location Plan
- TSA 20 0758 201 Site Plan Showing Elevation Scene Location
- TSA 20 0758 202 Elevation Scene A-A
- TSA 20 0758 203 Elevation Scene B-B and C-C

Public Advertisement Procedure

This application has been publicised by way of neighbour notification letters to occupiers of 15 individual properties.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Core Policy 6 – Shaping our Employment Profile
Core Policy 9 - Sustainable Design
Core Policy 10 - Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 - Landscape Character
NAP1 – Newark Urban Area

Allocations and Development Management DPD (Adopted July 2013)

Policy DM5 - Design
Policy DM7 - Biodiversity and Green Infrastructure
Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

Consultations

Newark Town Council: Object in line with the Environment Agency due to absence of Flood Risk Assessment.

Farndon Parish Council: No response received.

Environment Agency: Support the proposal subject to the imposition of conditions including a flood management plan.

Highways England: No comments, the development has had no material impact on the safe operation of the Strategic Road Network.

NCC Highways: Raise no objection as access and parking provision will be unaffected and no material impact on the safe operation of the highway.

NSDC Environment Health Officer: There are no known adverse effects from an environmental health point of view from the installation of the crane gantry. We recommend the developer inform local residents of the work and be sensitive to local residents before 8 am and 7 pm during construction regarding noise from the installation of the gantry. The developer should take all precautions to prevent a statutory nuisance from noise.

3 letters of representation have been received from neighbouring properties. Main issues raised include:

- When operating the crane has a high pitched whine which you would not expect in a residential area;

- Gradual ‘creep’ from what was a distribution depot to a full-scale industrial unit;
- Operations run 7 days a week at all hours;
- Noise impacts from clanging of chains and container being dropped loudly has disturbed residential peace and caused dogs to bark. Hammering and banging and beeping from trucks is also an issue;
- Flood lights shine into adjacent homes;
- Change to access has caused issues;
- The large crane bring with it large lorries with engines left running, damage to properties, rubbish, urinating against fences and looking into windows;
- Devaluation of properties;
- Within flood zone 3 (should be refused without FRA), adjacent to open countryside, protected open break and residential area (contrary to these designations);
- Crane should already have been removed;
- Building is an eyesore.

Comments of the Business Manager

Principle of Development

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

Members will note from the planning history that permission was given for the gantry crane by Planning Committee in July 2015. Condition 1 of that permission required the removal of the crane within 3 years of installation.

“To reflect the temporary nature of the permission and to ensure that the use remains compatible with the character of the surrounding area and in the interests of residential amenity.”

The temporary nature of the permission was at the request of Members of the Planning Committee at that time. Minutes from the meeting state:

“Councillor ...Lloyd...spoke against the application on the following grounds:...five years permission was too long if discussions were taking place regarding relocation; the visual impact would have an adverse impact on the amenity of surrounding residents and the stacking of the containers was not acceptable. There should also be a condition on the hours the crane would operate due to the close proximity to residents; 9am – 4pm was suggested for weekend operation.

Members considered the application and concerns was raised regarding the noise impact on the residents of the adjacent cottages and the loss of light from the leylandi and containers stacked in close proximity to the cottages. It was suggested that there be no hours of operation on Sundays; the leylandi be topped to a reasonable height; and the containers in close proximity to the cottages should not be stacked due to the loss of light to the adjacent residents. It was felt that five year permission was too long given the applicant had given an undertaking to look for new premises. Members re-iterated that the Economic Development Business Unit would provide support to the applicant in securing a more suitable location for the business within the district.”

This application seeks the retention of the crane as well as a frame that was erected shortly after the crane was brought onto site. PA Freight buildings, including the location of this development, are located within Newark Urban Area and the village envelope.

Core Policy 6 of the Core Strategy states that the economy of the District will be strengthened and broadened to provide a diverse range of employment opportunities by amongst other things:

‘providing most growth, including new employment development, at the Sub-Regional Centre of Newark, and that of a lesser scale directed to our Service Centres and Principal Villages, to match their size, role and regeneration needs. Providing a range of suitable sites in these location that will enable employment levels to be maintained and increased, by meeting the modern requirement of different business sectors and types.’

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

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 identifies the development site as being within the Newark Urban Area where Area Policy NAP 1 is considered to be particularly relevant. NAP 1 states that the District Council will work with its partners, developers and service providers to promote the Newark Urban Area as the main focus for residential, commercial and leisure activity within the district.

Whilst the site is also situated adjacent to land allocated as Open Break, Policy NUA/OB/1 of the Development Management DPD, this policy only applies to development within this land designation. This policy is therefore not applicable. The crane and enclosure is sited within the boundaries of the existing yard, which has an established employment use (occupied by PA Freight since 1996) for use as a freight depot. The site has been in commercial use for a number of years prior to this dating back to the 1930s and earlier as evidenced through historical photographs.

The principle of development on the site is therefore considered to be acceptable subject to the consideration of all other considerations including amenity, flood risk and visual impacts.

Impact on Visual Amenity

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Core Policy 13 requires the landscape character of the surrounding area to be conserved. Policy DM5 states that the rich local distinctiveness of the District’s landscape and character of built form should be reflected in the scale, form, mass, layout, design materials and detailing of proposals for new development.

Core Policy 13 of the Core Strategy addresses issues of landscape character. It states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.

The District Council has undertaken a Landscape Character Assessment (LCA) to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The site is identified within the Landscape Character Assessment as being within the Trent Washlands TW PZ 12 'Farndon Village Farmlands'. The landscape condition for this area is assessed as being poor due to detracting features including power lines, commercial buildings, busy roads and road junctions with limited tree cover.

The site and its surroundings have undergone a number of changes since the application was previously considered by virtue of the highway improvements to the A46 as well as the alterations immediately to the south of the main PAF commercial centre (i.e. where the buildings associated with the business are situated) with the provision of the parking and turning area. However, the buildings are seen in the context of the transition from countryside to suburban area alongside the public house Lord Ted to the other side of Farndon Road where they are glimpsed within the wider context. Views into the site can be seen are relatively limited.



The site is laid out with a carpark to the south west with associated office building to the east of this. The yard area with associated buildings extends to the north and west of the main office building. Of particular note is the existing warehouse building on the northern boundary of the site which has a ridge height of approximately 9.2m. The gantry enclosure by comparison is 10 metres high. The site is screened from wider views by the presence of an approximately 20m high Leylandii hedge which marks the northern, eastern and western boundaries to the site. The building can be seen from the south. However, this view is only applicable to those parties utilising the new access road in to the site, it is not a road ordinarily used by the general public. Furthermore, as can be seen from the image below, the building nestles into the backdrop of the site and surrounding landscaping and is thus not prominent and harmful to wider landscape views.



The applicant has detailed that it is not possible to operate the crane without it being protected from the elements, hence the need for the building surrounding the crane. Overall, it is therefore considered the impact of the development is fairly limited and would not result in any adverse impact upon the character of the area in accordance with Core Policies 9, 13 and DM5 of the DPD.

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. The sheltered elderly housing of Willow Cottages situated to the north of the site are the closest residential properties to the development. Other properties are located further away

including those to the west fronting Farndon Road and the boundary with Cranleigh Park is also located approximately 27 metres to the east. However, the distance to these latter properties is such that they would not be materially affected to the detriment by this development in terms of being overbearing, loss of light impacts.

Number 14 Willow Cottages is the closest residential property to the proposal at approximately 5 metres away. It is considered that whilst the overall height of the crane and enclosure is high, given the orientation of buildings and dense Leylandii hedging which marks the boundary of the site (which is even higher than the crane and enclosure and has been there for some substantial time), this offsets its overall impact.

In relation to noise impacts, PAF handles a variety of packing crates and containers of varying sizes and the crane is used to manage the logistics of maneuvering these containers along with fork lift trucks and telehandlers. There is therefore noise associated with the overall business (excluding the crane) by vehicles moving around the yard as well as background noise of the nearby A46.

Prior to the installation of the current crane, smaller cranes were used to manage containers. Examining the previous Committee Report, it would appear that the use of a smaller crane resulted in a greater number of vehicular movements within the site and thus a likely greater noise impact. This is supported within the current Planning Statement indicating if the crane and gantry was not in use there would be increased noise from needing to use alternative methods.

Since the current crane has been in operation, no complaints have been received by Environmental Health (EH) notwithstanding the notification responses from some residents indicating concerns with noise. The crane is operated by electric motors and notwithstanding the noise generated by these motors is relatively quiet in its operation - the Planning Statement details the crane uses a 'silent' switchgear and generators which is a quiet piece of machinery. It is also noted that EH has not raised any objection to the proposal and in fact appear to consider this to be a proposed development as opposed to retention, further evidencing little the concern regarding noise. When the site was visited in December 2020, it was observed that whilst the noise generated from the crane when in use was audible, this did not appear to be higher than noise levels generated by existing operations.

Subject to conditions in relation to operating hours (as applied to the previous permission), it is not considered that that an unacceptable impact on amenity would result in accordance with the aims of the NPPF and Policy DM5 if the DPD.

Impact on Flood Risk and Drainage

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 Zones 2 and 3 and is therefore a site at risk of flooding (medium - high probability). Accordingly the applicant has submitted a Flood Risk Assessment which has been assessed by the Environment Agency (EA).

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. In applying the sequential test I consider that given the proposal is an extension of an existing facility/service it would not be practical or appropriate to site this anywhere else. I therefore consider that to site this elsewhere would be nonsensical and it would not in this instance be appropriate to site this in an area of lower risk of flooding.

As with the previous application, It is also necessary to demonstrate that the development would 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. The development is classed as 'less vulnerable' in terms of the NPPF and therefore it is not required to have floor levels set above flood levels if that is not possible for operational reasons. Instead the structure can be designed to be floodable. The FRA proposes a water-entry strategy by leaving the roller shutter doors and pedestrian doors open during flood events. The FRA also proposes raising electrics and sensitive equipment to the maximum flood level (the level of the 0.1%AEP event; 12.82mAOD). This water-entry strategy will maintain a level of floodplain storage within the building during flood events. As the site is defended from flooding by flood defences, full level-for-level and volume-for-volume floodplain compensation is not required.

The FRA also proposes a flood management plan to be implemented, which the EA, strongly recommend is provided. They advise that the flood management plan should also include an on-site safe refuge from flooding for occupants of the site, for example during a sudden-onset breach of flood defences. It is noted that the existing offices at the site contain a safe haven at first floor level. No information has been provided within the FRA on safe access and egress routes to the site. However, it is recognised that this is as an established site, safe access and egress is already applicable to the site as it is an existing commercial use with a number of buildings whether or not planning permission for this development is granted. The Environment Agency raised no objection to the application subject to a condition requiring compliance with the submitted FRA. Subject to this condition, 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. Highways England and the Highways Officer raise no objection to the proposal the proposed is considered to comply with the highways requirements of Policy DM5.

Economic Impacts

The application form details the site employs 40 full time. This site, as detailed earlier, is situated within the Urban Centre of Newark where in accordance with Area Policy NAP 1 and Core Policy 6 of the Core Strategy employment shall be promoted. As such in the interests of the economy, the retention of the development would result in a positive economic outcome allowing a local business to continue to operate with optimal infrastructure, to the benefit of the District.

Other Matters

A neighbour notification response has indicated that permitted this development will result in house values falling. However, Members will be aware that this is not a material planning consideration which may be taken into account.

Concern has been raised regarding the retrospective nature of this application and that the crane should have been removed previously. Members will note from the planning history that an application was submitted earlier last year to retain the crane. However, Officers did not consider that this application could be entertained due to the crane enclosure which had not been shown on the original 2015 plans. The applicant submitted this previous application at what they considered was the appropriate time i.e. before condition 1 came into effect in terms of the need for the crane to be removed. The wording of condition 1 refers to 'installed on site' which they considered meant the equivalent of substantially complete. Substantially complete is the term used in relation to when enforcement action may or may not be taken.

Many of the other concerns regarding noise of the development site as a whole for example are not matters that can be considered as part of this application. Again, to repeat, the response from Environmental Health, they have not received any noise complaints regarding the activities that take place on this site.

Conclusion

The crane would continue to be sited within an operational yard and within the existing boundaries of the site. The existing boundary vegetation would continue to screen the crane from views from neighbouring properties and users of Farndon Road. The crane results in no greater noise disturbance level than that which existed on the site prior to its installation and from information provided would appear to be less. The FRA indicates that the development can be appropriately conditioned to ensure that the development does not cause greater flooding risk to the site itself or surroundings. The proposal would also support the local economy. It is therefore recommended that the application is approved, subject to appropriate conditions.

RECOMMENDATION

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

01

The development hereby permitted shall be retained in complete accordance with the following plans and documents:

- Planning Statement
- Site Location Plan
- TSA 20 0758 201 Site Plan Showing Elevation Scene Location
- TSA 20 0758 202 Elevation Scene A-A
- TSA 20 0758 203 Elevation Scene B-B and C-C

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

02

The use of the development hereby permitted shall not take place outside the following hours:-

- Monday – Saturdays 6am to 8pm
- Sundays, Public or Bank Holidays 9am to 4pm

Reason: In the interests of residential amenity

03

The hedging along the northern, eastern and western boundaries shall be retained at a minimum height of 9.5 metres for the lifetime of the development. Any trees or shrubs which die are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar species and allowed to grow to the size of those replaced.

Reason: In the interests of residential and visual amenity

04

The development shall be continued in accordance with the submitted flood risk assessment (FRA) (Ashfield Solutions Group, 08/02/2021, Ref. 124020-F01) and the following mitigation measures it details:

- All electricals and vulnerable equipment shall be located above 12.82mAOD
- The building shall be operated in such a way that it is 'floodable' during periods of flooding, as detailed in section 3.3 of the FRA

These mitigation measures shall be fully implemented within 3 months of the date of this permission. The mitigation measures detailed above and within the FRA shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to maintain floodplain storage during a breach of defenses or overtopping of flood defenses.

Note 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 accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

BACKGROUND PAPERS

Application case file including:

Committee Report July 2015

Committee Minutes August 2015

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.

Lisa Hughes

Business Manager – Planning Development