



Report to Planning Committee 20 April 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Helen Marriott, Senior Planner, ext. 5793

Report Summary			
Application Number	23/00334/FUL		
Proposal	Ramp to connect Air & Space (ASI) access road		
Location	Former Newark Livestock Market, Great North Road, Newark On Trent		
Applicant	Mr Nick Pettit - Lincoln College	Agent	Mr William Silby - Stem Architects
Web Link	23/00334/FUL Ramp to connect Air & Space (ASI) access road Former Newark Livestock Market Great North Road Newark On Trent (newark-sherwooddc.gov.uk)		
Registered	13.03.2023	Target Date	08.05.2023
Recommendation	That planning permission is APPROVED subject to the conditions detailed at Section 10.0		

This application is before the Planning Committee for determination, in accordance with the Council’s Constitution, because Newark and Sherwood District Council is the landowner.

1.0 The Site

The site relates to a small area of land located adjacent to the north side of the Air and Space Institute (ASI) further-educational establishment construction site. The site was formerly occupied by the Newark Cattle Market which has now been demolished. The site links the proposed ASI site to Newark Lorry Park located to the north, east and west of the site. The site currently comprises unmade earth and is enclosed by temporary construction fencing.

Great North Road (B6326) is located to the south of the site (and can currently be accessed to the west of the site through the Lorry Park). Newark and Sherwood District Council (NSDC) offices and

parking areas are located to the south-east of the site. The nearest residential dwellings are located on the other side of Great North Road to the south (Midland Terrace).

The site is located within the Newark Urban Area. The site is not located within Newark Conservation Area (CA) albeit the CA boundary follows the route of the railway line to the east of the site. Within the CA are a number of Listed Buildings including a Grade II Listed warehouse building located to the east of the site.

The site is located within Flood Zone 2 as identified by the Environment Agency (EA) flood maps.

2.0 Relevant Planning History

22/01943/NMA Application for a non-material amendment to planning application 21/02484/FULM for minor amendments to facades and external works – permission 24.02.2023

21/02484/FULM Proposed erection of a new further educational establishment for the training of young adults within the aviation and space industries along with associated infrastructure including use of an existing car park, access, refuse area, substation and landscaping – Permitted 16.02.2022

21/00247/DEM Notification for Prior Approval for demolition of single storey steel framed market buildings, single storey office buildings, livestock pens and fences – prior approval required and approved 03.06.2021.

21/00246/DEM Notification for Prior Approval for demolition of 1no. dwelling and associated garage and outbuildings - prior approval required and approved 03.06.2021.

17/01090/FULM Extension of Newark Lorry Park onto adjacent parcels of land which are currently unused and the provision of a fuel bunker on existing lorry park land. Proposals are intended to accommodate the displacement lorry parking spaces which had been lost due to a neighbouring development – permission 07.11.2018

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

3.0 The Proposal

The application seeks planning permission for an engineering operation to form a ramp to connect the ASI site (currently under construction pursuant to application no 21/02484/FULM) with the access roads which run through Newark Lorry Park which are currently at different levels. The requirement for full length of this ramp (to meet the required gradient) was not realised during the determination of 21/02484/FULM. Due to part of it falling outside of the red line boundary of the application site, a separate application has been deemed necessary. The proposed height of the ASI development has not changed from that originally proposed – the length of the ramp needed has increased.

Plans and documents submitted with this application include:

- 0006 Rev A Access Road Extension Site Plan
- 4020 Access Road Extension Plan

- 4021 Site Section
- Flood Risk Assessment and Drainage Strategy (08/03/2023)
- Design and Access Statement

4.0 Departure/Public Advertisement Procedure

A site notice has been displayed and an advert placed in the local newspaper.

Site Visit Date: 15.03.2023

5.0 Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy (Adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 6 – Infrastructure for Growth

Spatial Policy 7 - Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 9 - Sustainable Design

Core Policy 10 – Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 14 – Historic Environment

NAP1 – Newark Urban Area

Allocations & Development Management DPD

Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy

Policy DM5: Design

Policy DM9: Protecting and Enhancing the Historic Environment

Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework
- Planning Practice Guidance
- Planning (Listed Buildings and Conservation Areas) Act 1990

6.0 Consultations

Newark Town Council – No comments received.

Historic England – No comment.

Highways England – No objection.

NCC Highways – No objections.

NSDC Conservation – No comment.

No comments have been received from any interested parties/residents.

7.0 Comments of the Business Manager – Planning Development

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development 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.

Principle of Development

The proposal site is located on a gateway site in Newark Urban Area which is the Sub-Regional Centre for the District, as defined under Spatial Policy 1 of the Amended Core Strategy. Newark Urban Area functions as a focus for housing and employment growth in Newark and Sherwood and the main location for investment for new services. The Gateway site is a key regeneration location within the Town Investment Plan (TIP) for Newark, which supports the local implementation of the Governments Towns Fund Initiative. Delivery of ASI is identified as a priority project within the TIP, and is central to realising its objectives around skills, education and business.

Through Policy DM1 support is provided for a range of development types appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with the remainder of the Development Plan. The location of the proposed development within the Newark Urban Area would be consistent with the Spatial Strategy, indeed given the nature and ambition of the use it is the Sub-Regional Centre which would offer the most suitable location – given its role and function. ASI is a community facility that would benefit the local community and beyond in accordance with the aims of Spatial Policy 8.

Consequently, the principle of the proposed ramp to assist in providing access to the proposed ASI site is considered acceptable subject to an assessment of all other relevant considerations including site specific constraints and relevant aspects of national policy and the District's development plan. This assessment is set out below.

Impact on Visual Amenity including the Setting of Heritage Assets

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. 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, including their setting and any architectural features they possess. In this context, the objective of preservation is to cause

no harm, and is a matter of paramount concern in the planning process. 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.

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.

Historic Newark developed along the Trent River corridor and there are a number of listed buildings in this area. The application site is located to the northwest of the river and historically formed part of open fields. It is located on the Great North Road, a significant historic route and built on the grade II listed causeway culvert dating to 1770 designed by John Smeaton, which raises the Great North Road above any flood waters. The Great North Road is lined with lime trees, which were laid out by public subscription.

The site is located outside the conservation area and is on/adjacent to a significant historic gateway into Newark. Views of the Grade II listed Castle Railway Station, the Grade I listed and Scheduled monument remains of Newark Castle and Grade I listed Church of St Mary Magdalene can be seen from Great North Road and from land near to the application site. The Grade II listed Goods warehouse 150 metres northeast of Castle Station, is directly visible from the application site.

The proposed ramp (which would reduce in height behind the proposed ASI building) would not be visible from Great North Road and would not be highly discernible from any other public vantage points. As such, it is considered that a neutral impact upon the setting of surrounding heritage assets would result. Overall, it is not considered that the proposed ramp would result in any adverse visual amenity impact in accordance with the aforementioned policies.

Impact on Highways

Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms of the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 of the DPD requires the provision of safe access to new development.

This is required due to the difference in levels between the sites and to enable a long wheelbase vehicle (to carry an Airbus A318 into the ASI building as a key feature of the building design) to access the hangar at the correct gradient 1:13 (without bottoming out). The ramp (bituminous heavy vehicle access) would also allow the aircraft to be more easily changed in the future (if required).

The County Highways Officer raises no objection to the application. It is not therefore considered that the proposed development would result in any adverse highway safety issues in accordance with the requirements of Spatial Policy 7 and Policy DM5 of the DPD.

Impact on Flood Risk and Drainage

Policy DM5 and Core Policy 9 require that proposals pro-actively manage surface water and Core Policy 10 seeks to mitigate the impacts of climate change through ensuring that new development proposals taking into account the need to reduce the causes and impacts of climate change and 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), defined in the NPPF as land having an annual probability of river/tidal flooding of between 1 in 100 (1%) and 1 in 1000 (0.1%).

In this instance, the local planning authorities must apply the Sequential Test for specific development proposals and, if needed, the Exception Test for specific development proposals, to steer development to areas with the lowest probability of flooding. In this case, the application is considered to pass the sequential test since the proposed ramp can only be provided in this location in order to provide the required access to the rear of the ASI site.

A Flood Risk Assessment (FRA), in the form of an Addendum to the FRA that was submitted with the ASI planning application number 21/02484/FULM), has been submitted with this application. This concludes that 'site specific flood mitigation proposals have been developed based on the outcomes of the flood modelling which allow the building and its occupants to be flood safe over its intended lifecycle, and with the proposed level raising, access and egress will remain possible when the river is in full flood.'

This FRA proposed that the ground floor level of the proposed ASI building would be set at 12.45 mAOD which gives a 300 mm freeboard above the modelled (average pre and post development) 1 in 100 year plus climate change flood level of the River Trent of 12.15 mAOD. The FRA advises that this would ensure that the site as developed would be at all round low flood risk. These levels have resulted in the need for the proposed ramp. The Design and Access Statement states that any future development of the wider lorry park site would potentially raise the levels of the land also which means that in the future, the ASI operation might be able to operate wholly within its original red line boundary.

Overall, the application is considered to be acceptable in accordance with the requirements of Policy DM5 and Core Policy 10.

8.0 Implications

In writing this report and in putting forward a recommendation, Officers have considered the following implications: Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have referred to these implications and added suitable expert comment where appropriate.

9.0 Conclusion

The principle of development on this site is acceptable and would provide rear access to the ASI building currently under construction at an appropriate gradient, which on completion is likely to provide social and economic benefits to Newark and the wider area. The proposed ramp would not result in any unacceptable impacts upon the setting of heritage assets, highway safety, flood risk, or visual amenity. Overall, the proposed development would comply with the Development Plan (the Adopted Amended Core Strategy DPD and Allocations and Development Management DPD) and is recommended for approval subject to the conditions set out below.

10.0 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 out except in complete accordance with Drawing Numbers:

- 0006 Rev A Access Road Extension Site Plan
- 4020 Access Road Extension Plan
- 4021 Site Section

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the material details submitted as part of the planning application.

Reason: In the interests of visual amenity.

Informatives

01

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

BACKGROUND PAPERS

Application case file.

Committee Plan - 23/00334/FUL



