



Report to Planning Committee 23 November 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Lynsey Preston, Planner 01636 655329

Report Summary			
Application Number	23/01604/FUL		
Proposal	Glass Recycling Compound		
Location	Lorry And Coach Park, Great North Road, Newark on Trent		
Applicant	Newark and Sherwood District Council	Agent	Anotherkind Architects Ltd
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage		
Registered	18.09.2023	Target Date	13.11.2023
		Extension of Time	30.11.2023 (To be confirmed)
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 Scheme of Delegation, as the applicant is Newark and Sherwood District Council. This application was not presented before the meeting was adjourned on the 9 November 2023.

1.0 The Site

The application site comprises an area of HGV parking, laid to tarmac and concrete, within an established lorry park located to the south of the A46 alignment, to the east of the Great North Road and north-west of the River Trent. The site is located within the very north-

western fringe of the defined Newark Urban Area as illustrated within the Allocations and Development Management Development Plan Document 2013 (ADMDDP).

Within the existing site is a lorry wash, a café and an HGV fuel stop. The ASI building is located 45m to the south east, the District Council offices 100m south of the site and existing residential buildings approximately 100m east on Sikorski Close, with the intervening existing railway line running along the eastern boundary.

The site is located within Flood Zone 2 as defined by the Environment Agency data maps which means it is at medium risk of main river flooding and on a site at low risk from surface water flooding.

The Newark Conservation Area boundary is to the south east of the site and broadly forms the boundary with the railway line. Listed buildings are also located to the south east of the site and form the Castle Railway Station (Grade II), Former station masters house (Grade II) and the Goods Warehouse on Sikorski Close (now residential) (Grade II). The maltings buildings are also located on Mather Road (Grade II) the Kiln warehouse on Mather Road (Grade II*).

The site has the following constraints:

- Setting of listed buildings and Conservation Area
- Flood Zone 2

2.0 Relevant Planning History

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, approved 07.11.2018

Whilst there are a number of other applications that exist within the wider Lorry Park, none are of particular relevance to this application.

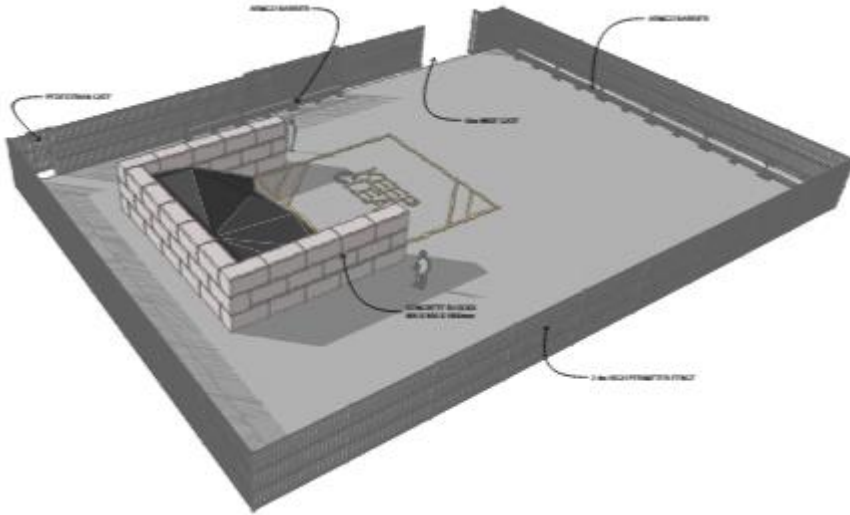
On land to the south-west of the site -

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, approved 16.02.2022 and under construction.

3.0 The Proposal

The application seeks permission for the erection of a compound which will receive recyclable glass from household collections throughout Newark and Sherwood District, which will be delivered twice daily by refuse vehicles for storage at the facility before being collected via a weekly lorry service which will deliver bulk glass to a recycling centre.

The works will comprise a new U shaped open compound (8m x 9.6m in footprint) constructed out of modular concrete blocks, approximately 2.4m in height, with the open front facing north. Around it would be a large open yard (18.2m x 21m) secured by a 2.4m high galvanised steel palisade fence.



The site would be accessed using the existing lorry park access on Great North Road. Along the eastern boundary within the site is a concrete drainage channel which leads to a drainage grate.

The facility is stated to operate only between the hours of 8am – 5pm Monday to Friday with no weekend or bank holiday working. The facility is expected to receive two glass deliveries a day with the glass held within the compound which would then be emptied once a week.

The agent states that other sites have been considered, including the existing waste facility on Brunel Drive, however these have been ruled out due to their proximity to existing residential properties, or there being insufficient space within them. Sites not within the ownership of the Council have been investigated but none have been found to meet the location, size or use requirements. The lorry park is considered to provide the optimum need for this facility due to the ease of transport links to the site, proximity to residential properties and the space available.

Although the supporting statement suggests that the development is temporary for approx. 2/3 years until a permanent location can be provided, a temporary planning permission is not specifically being sought and therefore the application is being considered as a permanent facility and there would be nothing to stop the facility being moved from this site at a later date.

Documents assessed in this appraisal:

DRWG no. 23032-20-001 Proposed Plans & Elevations;

DRWG no. 23031-70-001 Existing Location Plan & Proposed Block Plan;
DRWG no. 23032-70-002 Existing Site Plan;
DRWG no. 23032-70-003 Proposed Site Plan;
Glass Recycling Compound layout (received 29.09.2023);
PAS128 Utility Survey Rev R1;
Flood Risk Assessment;
Noise Impact Assessment (August 2023);
Heritage Impact Assessment;
Confirmation of lorry park demand in e-mail received 13.11.2023.

4.0 Departure/Public Advertisement Procedure

Occupiers of 44 neighbouring properties have been individually notified by letter, a site notice has been displayed near the site and an advert has been placed in the local press.

Site Visit undertaken: 28.09.2023 and 18.10.2023

5.0 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

Spatial Policy 7: Sustainable Transport

Core Policy 6: Shaping our Employment Profile

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 14: Historic Environment

NAP 1 Newark Urban Area

Allocations & Development Management DPD (adopted July 2013)

DM1: Development within Settlements Central to Delivering the Spatial Strategy

DM5: Design

DM9: Protecting and Enhancing the Historic Environment

DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2023 (NPPF)
- Planning Practice Guidance (on line resource) (PPG)
- S.66 Planning (Listed Building and Conservation Areas) Act 1990
- Historic England Advice Note 1: Conservation Area Appraisal, Designation and Management

6.0 Consultations

NB: Comments below are provided in summary – for comments in full please see the online planning file.

(a) Statutory Consultations

Environment Agency – No objection, subject to conditions relating to contamination, drainage and foul/surface water disposal.

Environment Agency Position: Regulated Industry – No objection.

Historic England – No advice offered but this should not be interpreted as comment on the merits of the application. Suggest the views of your specialist conservation and archaeological advisers are sought.

NCC, Lead Local Flood Authority – No bespoke comments made but general guidance offered in relation to surface water disposal.

National Highways – No Objection.

NCC Highway Authority -

The application form indicates that the proposal will result in the loss of 6 HGV parking spaces. The scheme does not include provision for employee or visitor car parking.

However, the proposed development is likely to generate low traffic volumes and will not give rise to any significant traffic impact at the existing Lorry Park/Cattle Market site access.

The lack of employee/visitor parking is unlikely to give rise to any demand for on-street parking beyond the Lorry Park/Cattle Market site given that the proposed compound is located some distance away from the highway and that the compound itself might allow space for employee/visitor parking.

The impact of the potential removal of HGV parking (or other activities on the application site) should be examined and further information is needed to confirm whether there is adequate spare capacity within the site to offset this loss. If not, consideration should be given to how any activity that may be displaced by the proposed development could be accommodated elsewhere.

(b) Town/Parish Council

Newark Town Council – No objection.

(c) Representations/Non-Statutory Consultation

NSDC Conservation – The proposed development will have moderate harm, of less than substantial harm, to the setting of the listed buildings, in particular the Goods Warehouse, albeit temporary. Therefore, the proposal is contrary to s.66 of the Act, as well as policy and advice contained within s16 of the NPPF, and CP14 and DM9 of the Council's LDF DPDs. This could be mitigated through planting.

NSDC Environmental Health – According to the assessment, noise is not considered likely to result in an adverse impact. As the activity needs an environmental permit, the Council, if it hasn't already, will need to submit an application to the EA with information relating to

noise. The EA will not grant a permit unless it is satisfied emissions will not be an issue, and there will be ongoing obligations on the Council in relation to compliance with conditions in the Permit, which will include noise. I do not expect noise to be an issue but if there are any complaints, the EA will need to investigate to determine whether there is any breach of the environmental permit.

30/10/2023 The noise report appears to be sound. On the basis of the report, noise nuisance should not be an issue, if operated during the day. The report understands operating hours will not be before 7am or after 7pm. It may be worth restricting hours of operation accordingly and no weekend working.

NSDC, Environmental Health (Contamination) – No objection.

Cadent (Gas) – No objection subject to the imposition of an informative.

NSDC Waste – No comments received.

NSDC Economic Development – No comments received.

One objection has been received from a third party/local resident which is summarised below:

- Unbearable/unacceptable noise from the braking glass as its being moved;
- The glass collection from Waitrose can be heard when it is being emptied;
- The addition of the storage compound for glass within earshot of a residential area is something that they totally object to given they overlook this area.

7.0 Comments of the Business Manager – Planning Development

The key issues are:

1. Principle of Development
2. Impact upon the Character and Appearance of the Area (including Heritage Assets)
3. Impact upon Residential Amenity (including noise)
4. Impact on Highway Safety
5. Impact upon Flooding

The National Planning Policy Framework 2023 (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 Development Plan Document (DPD).

Given the site is within the setting of various Listed Buildings, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') is relevant. Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The duty in s.66 of the Act does not allow a local planning authority to treat the desirability of preserving the settings of listed buildings as a mere material consideration to which it can simply attach weight as it sees fit. When an authority finds that a proposed development would harm the setting, it must give that harm considerable importance and weight.

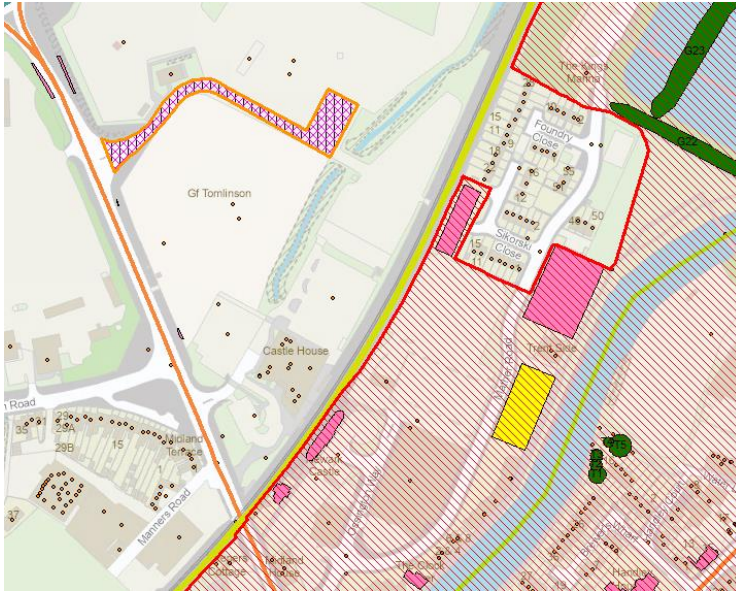
Principle of Development

The Adopted Development Plan for the District is the Amended Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013). The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new employment development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. The Newark Urban Area is defined as a Sub-regional centre within Spatial Policy 1, which would be the main location for investment for new services and facilities within the District.

As a storage facility, the proposed use falls within Use Class B8 (storage and distribution) which more widely is categorised as an employment use. Therefore, the principle of this development within this location is considered acceptable subject to other site-specific material considerations which are explored further below.

Impact on the Character and Appearance of the Area (including Heritage Assets)

There are several listed buildings within close proximity of the site (illustrated in the extract below) along with the boundary of the Newark Conservation Area which is approximately 90m to the south-east from the site. The group of listed buildings nearby relate to the historic railway industry in this part of Newark Conservation Area. Adjacent to the site is a late 19th century brick goods warehouse. The listed buildings and their setting contribute to the distinctive character of the area and proposals must seek to preserve and enhance the character of the area in accordance with Policy DM9 (Protecting and Enhancing the Historic Environment) of the DPD and Core Policy 14 (Historic Environment) of the Amended Core Strategy. Policies CP14 and DM9 of the Council's Local Development Framework 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.



Extract from Uniform showing the grade II listed buildings in pink and grade II listed building in yellow and the Conservation Area boundary defined with red line*

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in Section 16 of the National Planning Policy Framework (NPPF). Paragraph 200 of the National Planning Policy Guidance states 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 8.c).

The Council's conservation officer has commented on the proposal and stated that the very industrial appearance is not reflective of the designated heritage assets close by which are mainly brick built warehouse buildings. However the site is located back into the site and will not be highly visible from the main gateway into the Conservation Area. In addition, the rest of the lorry park has metal fencing surrounding it which is more prominent than the proposed development.

The conservation officer also raises concerns regarding noise at certain times through the movement of glass and refers to an Historic England document, Historic Advice Note 1: Conservation Area Appraisal, Designation and Management, which outlines how noise can have an 'effect on the ability to use or appreciate the historic or architectural interest of the area.' The conservation officer goes on to state that from the submitted Noise Assessment, "its suggests that this area for glass collection is temporary until a permanent location is provided. Due to the sensitivity of the site, it is important that the removal of the structure is done after 3 years."

The Conservation Officer concludes that the proposed development will have moderate harm, of less than substantial harm, to the setting of the listed buildings, in particular the Goods Warehouse, albeit temporary. Therefore the proposal is contrary to s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as Section 16 of the NPPF, and Core Policy 14 and DM9 of the Council's Development Plan Documents. They

state however that this harm could be mitigated through planting.

Paragraph 202 of the NPPF (2023) states that where a development proposal will lead to less than substantial harm this should be weighed against the public benefits. The proposal is for a new recycling facility to operate within the District. The Council declared a climate emergency on 16 July 2019 and following this developed a district-wide greening programme and measures to reduce its carbon footprint as both a Council and a community. As part of this, several actions have been pursued which includes encouraging everyone in the District to reduce, reuse and recycle as part of everyday life and providing ways to dispose of waste responsibly. At present the Council does not operate a kerbside glass recycling facility, which neighbouring authorities do but in varying ways, and following resident feedback (2018 and 2022 Resident Surveys) where 83% of residents stated it was important or very important to live in a sustainable and environmentally aware way, this service was deemed by the Council to be important, in conjunction with the Community Plan aims.

Paragraph 152 of the NPPF (2023) states that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, encourage the reuse of existing resources and support renewable and low carbon energy and associated infrastructure.

It is acknowledged therefore that there are competing environmental impacts; the less than substantial harm caused to the setting of the Goods Warehouse listed building (which should be given special regard) that contributes positively to the character and appearance of the Conservation Area that would weigh negatively against the proposal and the benefits of allowing this additional re-cycling service which would encourage greater recycling from residents in the District and accord with the requirement both locally and nationally to reduce greenhouse gas emissions, which would weigh positively. This weighting is considered further in the overall conclusion and planning balance at the end of this report.

The Conservation Officer has suggested that increased landscaping would assist in mitigating heritage harm. Members may also consider whether painting the walls or palisade fencing may assist. The relationship between the proposed site and the listed building and residential properties are set out in the photographs below.



(extract from Google Earth)

Impact upon Residential Amenity

The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings. Policy DM5 advises that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. Development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.

The main consideration with regards to amenity is the impact of noise upon surrounding land users. The site is located within an area which is mixed residential and commercial uses. The lorry park itself is understandably commercial with approximately 203 HGV spaces. This number will be reduced due to the planned A46 dualling, and land to the north

west (around cattle market roundabout) being required by National Highways in order to provide the additional land to fulfil the proposal. As Members will be aware, the Development Consent Order has not yet been submitted to the Planning Inspectorate but this is due to be received early in 2024 and a revised layout to the lorry park is currently being designed as a result of the impact.

Within this existing site is a lorry wash, a café and a HGV fuel stop. The ASI building is located 45m to the south east, the Newark Council offices 100m south of the site and existing residential buildings approximately 100m east on Sikorski Close, with the intervening existing railway line running along the eastern boundary.

A Noise Impact Assessment has been submitted with the application which has assessed the noise levels at an existing comparable facility in Mansfield. This states that the highest noise levels arise from glass dropping either into the storage area (glass on glass) or into the HGV container (glass on glass and glass hitting the container sides). The event period for both dropping off and collection processes is however relatively short.

The report concludes that the prevailing conditions within the vicinity of the nearest sensitive receptor (residential uses to the east), established through baseline survey, indicate the dominant noise is road traffic from the A46, with contribution from the Great North Road and the railway line. It states the prevailing daytime noise levels are 57 dB LAeq,T. The report uses source noise levels quantified by measurements conducted of waste glass delivery and collection operations at Mansfield Trade Waste Centre (which would be comparable with the operations proposed by this application). The predicted noise level averaged out over a 1-hour period, taking account of periods of inactivity, is 42 to 48 dB LAeq (lower than existing background noise levels). However, the report does go on to clearly state that noise levels during events of glass dropping will be higher and likely to be discernible at the location of the nearest residents.

The BS4142 assessment indicates 'low' impact during glass delivery to below adverse impact during glass collection. Therefore although residents would notice the short disturbances to noise, the mitigating factors of the hours of operation (8am – 5pm Monday to Friday), frequency of drops (2no. per day) and collections (one per week), and the prevailing ambient noise levels are considered to result in an acceptable levels for nearby residents, the report concludes. Comments from the Council's Environmental Health officers have also concluded that noise levels, if operated during the day, should not be an issue and have suggested the imposition of a condition restricting the hours of operation and no weekend workings which would accord with the hours stated within the application form. In addition, a condition has been suggested by Officers, restricting the number of deliveries of glass on HGVs to no more than 2no. per day and the number of collections to no more than 1no. per day.

The siting of the ASI building has also been taken into account given the proximity is approximately 45m from the facility. The noise survey states the layout of that building with large workshops and roller hanger doors directly facing the site. The teaching classrooms do not have direct line of sight of the proposed development but face the Great North Road. Given this, it is not considered there would be a harmful noise impact to the ASI building.

The Council offices at Castle House is located approximately 100m from the facility. It is not considered that this existing office use should be unacceptably impacted by the development.

Environmental Health colleagues have stated that the proposal will require an Environmental Permit issued and enforced by the Environment Agency under the Environmental Permitting (England and Wales) Regulations. This has been confirmed by the Environment Agency and the applicant has been made aware.

Emissions to air, land and water, including noise, will be considered by the Environment Agency (EA) as part of the application for an Environmental Permit. A Permit will impose conditions for controlling and eliminating emissions, and the site may be subject to inspections to ensure compliance with conditions if the Permit is granted. The EA would also investigate any complaints regarding alleged breaches of Permit conditions, however the Council is also able to impose conditions which they consider meet the tests as stipulated within paragraph 55 of the NPPF (2023).

The Noise Impact Assessment states the proposal is for a temporary two year period, after which Newark and Sherwood District Council would look to relocate the facility. However, as already set out, the application is not seeking a temporary planning permission and Members should consider the use and impact as if it was permanent, and for which has been applied.

The development in respect to noise, having taken into consideration the submitted noise assessment and the corroboration by the Council's Environmental Health officers that it is sound in its approach and outcome, is considered to be acceptable. Whilst there would be a noticeable increase in noise to nearby residents, this is considered to be for short periods during the day as explained in the report, which is not considered to be unacceptably harmful in the balance and is therefore in accordance with Policy DM5 and the guidance in the NPPF.

Impact on Highway Safety

Spatial Policy 7 (Sustainable Transport) of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems and Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

National Highways and Nottinghamshire County Council have commented on the proposal, not raising any objections. NCC Highways have stated that the proposal is likely to generate low traffic volumes and would not give rise to any significant traffic impact at the existing Lorry Park/Cattle Market site access. The scheme does not allow for employee or visitor parking but as the compound would be an unmanned facility, this does not give rise to any concern. There is some space within the compound for occasional parking if required. The development is therefore unlikely to give rise to any demand for on-street parking beyond the site and given the distance from the Great North Road would not lead to pressure for parking on this main thoroughfare.

NCC have stated that the matter of displacement of the HGV parking should be examined, and further information submitted to ensure adequate capacity within the site to offset this loss. There is no other land available within the wider site to offset the loss of the 6 HGV parking spaces. Additional information has been received confirming that the current capacity of the lorry park is 200 HGV spaces and there is an average week-nightly attendance of 160 HGVs. Historically around the Christmas period the number increases to 180. On Friday, Saturday and Sunday nights, the figure is closer to 50. On the basis of this evidence, the proposal is therefore not likely to result in an increase of the displacement of vehicles or result in a likely increase of HGV parking on the highway, the main concern of the Highway Authority in terms of highway safety. The impact of the removal of HGV parking spaces would result in a loss of revenue to the Council that would be for their commercial consideration as landowner. Overall, this loss is not currently considered to be fatal to the scheme in planning terms.

The proposal is therefore considered to accord with Spatial Policy 7 of the Amended Core Strategy and Policy DM5 of the Allocations and Development Management DPD.

Impact on Flood Risk

The site is located within Flood Zone 2 as defined by the Environment Agency data maps. Paragraph 159 of the National Planning Policy Framework (NPPF) 2023, states that *'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'*

The site is located within Flood Zone 2 on the Environment Agency Flood Maps, which means it is at medium risk of main river flooding. Paragraph 161 of the NPPF, states all plans should apply a sequential, risk-based approach to the location of development. Apply the sequential test and then, if necessary, the exceptions test. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. A basic flood risk assessment has been submitted and further information has been received on the need for this specific location. The agent states that other sites have been considered, including the existing waste facility on Brunel Drive, however these have been ruled out due to their proximity to existing residential properties, or there being insufficient space within them. Sites not within the ownership of the Council have been investigated but none have been found to meet the location, size or use requirements. The lorry park is considered to provide the optimum need for this facility due to the ease of transport links to the site, proximity to residential properties and the space available. Therefore it is considered that the sequential test has been satisfied and there are no other sites available or suitable to provide this facility.

In accordance with the Planning Practice Guidance (PPG) and specifically Annex 3: Flood risk vulnerability classification table, the use is classified as a 'less vulnerable' use. Table 2 (Flood risk vulnerability and flood zone 'incompatibility') of the PPG states that such uses are

compatible within Flood Zone 2 and the satisfaction of the exceptions test is not required.

The Environment Agency have confirmed the site is defended at present, and therefore they would aspire to increase the standard of protection into the future (ie 'top up' the defences) so that the site would remain protected as climate change continues. As such, the loss of floodplain storage at the site would only occur in a very extreme flood event (1 in 1000 year), or the event of a breach of defences, or a future 'climate change' event without any improvements having been made to the defences. The Environment Agency would not require flood plain compensation in this situation because the risk of the above situations occurring is relatively low. Assessing flood risk and risk to third parties requires an element of judgement and in this particular case, given the above, together with the scale of this development, it is considered that the impact on flood risk would not be harmful and is acceptable.

The submitted drawings illustrate how the water run-off will be managed within the site to collect in a drainage channel and disposed on in an existing drain.

It is not considered that the proposal is acceptable in flood risk terms and passes the Sequential Test. The proposal is therefore considered to accord with Core Policies 9 and 10 of the Amended Core Strategy and policies DM5 and DM6 of the Allocations and Development Management DPD in this regard as well as the NPPF and PPG as stated.

Other matters

Employment

Core Policy 6 of the Amended Core Strategy states that the economy of the District will be strengthened and broadened by 'maintaining and enhancing the employment base of our towns and settlements...and providing most growth at the Sub-Regional Centre of Newark.' Whilst the application form states that no additional employees would be created by this facility, it has since been explored by officers that additional members of staff would be required as drivers and loaders for the new rounds. The facility would therefore provide additional employment for the area and help to meet the aims of Core Policy 6.

Environmental/contamination impacts

The Council's Environmental Health colleague has commented on the application stating the site lies adjacent to the former railway sidings and that there is potential that some residual contamination could be present. The end use however is very low sensitivity in terms of risk to end user human health but construction workers could have potential to be exposed to any present contamination. They therefore suggest an informative to be imposed informing the applicant of any potential risk and to ensure correct contingencies are put in place, this can include correct PPE is worn and other safety procedures.

Cadent Gas

Cadent gas have commented on the application which Members will see from Section 6.0 of this report. They have equipment adjoining the site with which the applicant needs to be aware. This can be controlled through separate agreement with Cadent Gas Ltd, however from review it is not considered that the proposal will impinge upon their apparatus.

8.0 Implications

In writing this report and in putting forward recommendations 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 made reference to these implications and added suitable expert comment where appropriate.

9.0 Planning Balance and Conclusion

The site is located within the defined Newark Urban Area and the proposal seeks to introduce a facility that contributes significantly to the direction of travel in terms of reducing impacts on climate change. The proposal however has been considered to result in less than substantial harm to the setting of the Goods Warehouse listed building, approx. 95m to the east, which needs to be given special regard. However in accordance with paragraph 201 of the NPPF, such harm must also be weighed against any public benefit the scheme would deliver. In this case the facility would bring about the mechanism to allow glass recycling to commence at home. In a world where the Council has declared a Climate Emergency, the Council should be a leader in reducing carbon emissions. The benefits to the scheme in making it more convenient for residents to recycle their glass products and ensuring these can be reused which represent an aim of the NPPF, result in sufficient wider public benefit between these competing considerations in this particular case.

The proposal has been accompanied by a Noise Assessment which having assessed the levels at a comparable facility, concludes that whilst there would be a noticeable amount of discomfort felt to residents on Sikorski Close (the nearest residential properties to the east) when the glass is delivered and collected, however as the deliveries are twice daily (Monday to Friday) and collections take place once a week. The Noise Assessment concludes the impact to be acceptable and is not considered to be so detrimental to the amenities of neighbouring occupiers to warrant refusal of permission. The proposal would require an Environmental Permit from the Environment Agency and through this additional process (outside of the jurisdiction of the Planning Act and the Local Planning Authority) noise levels are assessed and monitored through this regulated process. Nonetheless, the officers have assessed the submitted Noise Assessment and on this basis, taking into consideration the frequency of deliveries and collections, coupled with existing background noise levels, the proposal would not result in harm an unacceptable degree of noise and disturbance to any neighbouring use to warrant refusal of permission in this case.

The development is not considered to result in any highway safety harm.

The facility is located within an area defined by the Environment Agency as being within Flood Zone 2 and an area at risk of surface water flooding and is defined as a less vulnerable use. The NPPF states that the local planning authority should first apply the sequential test to ensure the development is located in the optimum location and that there is no other land available, at lower risk of flooding. Upon applying the sequential test, the applicant has assessed other land within the Newark Urban Area whereby the facility could be located,

however these have been considered to be much closer to existing residential properties, or there is insufficient land to provide the area required by the compound. Therefore officers consider that the sequential test has been adequately satisfied. In accordance with Table 2 (Flood risk vulnerability and flood zone 'incompatibility') of the PPG it states that such uses are compatible within Flood Zone 2 and therefore the exceptions test need not be applied. The Environment Agency has confirmed that no compensatory flood storage capacity is required to be provided in this case and therefore overall, the proposal is acceptable in flood risk terms.

A recommendation of approval is therefore offered to Members subject to the conditions listed 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 the following approved plans:

DRWG no. 23032-20-001 Proposed Plans & Elevations;
DRWG no. 23031-70-001 Existing Location Plan & Proposed Block Plan;
DRWG no. 23032-70-003 Proposed Site Plan;
Glass Recycling Compound layout (received 29.09.2023);
PAS128 Utility Survey Rev R1.

Reason: So as to define this permission.

03

The materials to be used in the construction of the development hereby permitted shall be in full accordance with details stated on the approved drawings (as stated within condition 02) or within the application form.

Reason: In the interests of visual amenity.

04 – Environment Agency

The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the

Local Planning Authority. The scheme shall be implemented as approved and retained for the lifetime of the development.

Reason

To ensure there are no unacceptable discharges to ground or surface waters. There should be no infiltration of surface water on contaminated land, or discharges to surface water.

05 – Environment Agency

No drainage systems for the infiltration of surface water to the ground (including soakaway or infiltration SUDS) are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the NPPF.

06 – Environment Agency

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the NPPF.

07

No loading, unloading, deliveries or collections associated with the use hereby permitted shall take place other than between the following hours:-

08:00h to 17:00h Monday - Friday

And not at any other time including Saturdays, Sundays, Public or Bank Holidays

Reason: In the interests of residential amenity.

08

There shall be no more than two deliveries of glass to the site per day, and no more than

one collection of glass from the site per week. An up to date register of deliveries and collections shall be kept for the site by the owner and shall be made available for inspection by the Local Planning Authority, at any time.

Reason: In the interests of residential amenity.

Informatives

01

Waste to be reused on-site

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to our:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at <https://www.gov.uk/government/organisations/environment-agency> for further guidance.

Waste to be taken off-site

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at

<https://www.gov.uk/government/organisations/environment-agency> for more information.

02

Cadent Gas Ltd own and operate the gas infrastructure within the area of your

development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions Prior to carrying out works, including the construction of access points, please register on www.linsearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

03

The applicant/developer will need to have a contingency plan should the construction phase reveal any contamination, which must be notified to the Pollution Team in Public Protection at Newark and Sherwood District Council on (01636) 650000.

04

The proposed glass recycling activity will require an Environmental Permit issued and enforced by the Environment Agency under the Environmental Permitting (England and Wales) Regulations. Emissions to air, land and water, including noise, will need to be considered by the Environment Agency as part of the application for an Environmental Permit. A Permit will impose conditions for controlling and eliminating emissions, and the site may be subject to inspections to ensure compliance with conditions in the Permit. The Environment Agency would also investigate any complaints regarding alleged breaches of Permit conditions.

05

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).

06

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 given that there is no net additional increase of floorspace as a result of the development.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

Committee Plan - 23/01604/FUL

