



Report to Planning Committee 3 July 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Lynsey Preston - Senior Planner.

Report Summary			
Application No.	25/00744/S73		
Proposal	Application for variation of condition 08 to allow increase of deliveries for day and removal of Condition 09 to allow use of site permanently attached to planning permission 23/01604/FUL.		
Location	Recycling Compound Lorry And Coach Park Great North Road Newark On Trent		
Applicant	Newark and Sherwood District Council – Steven Chitty	Agent	Aiden Bell Anotherkind Architects Ltd
Web Link	25/00744/S73 Application for variation of condition 08 to allow increase of deliveries for day and removal of Condition 09 to allow use of site permanently attached to planning permission 23/01604/FUL. Recycling Compound Lorry And Coach Park Great North Road Newark On Trent		
Registered	13.05.2025	Target Date / Extension of Time	08.07.2025
Recommendation	That Planning Permission is <u>APPROVED</u> subject to the condition(s) detailed at Section 10.0		

This application is being referred to the Planning Committee for determination, in accordance with the Council's Scheme of Delegation, as the applicant is Newark and Sherwood District Council.

1.0 The Site

- 1.1 The application site comprises an open fenced compound used for the existing glass recycling facility which was consented by Members of the Planning Committee under planning application 23/01604/FUL. The wider site is used for HGV parking laid to tarmac and concrete. The lorry park is well established and 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 (ADMDPD).

- 1.2 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.
- 1.3 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.
- 1.4 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*).
- 1.5 The site has the following constraints:
 - Setting of listed buildings and Conservation Area
 - Flood Zone 2

2.0 Relevant Planning History

- 2.1. 23/01604/FULM - Glass Recycling Compound Approved 01.12.2023

Condition 08 There shall be no more than two deliveries of glass to the site per day, and no more than one collection on 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.

Condition 09 The use hereby permitted shall cease and all materials associated with the use be removed and the land restored to its former condition on or before 30th November 2026.

Reason: To enable evidence to be gathered of the impact of the development upon adjoining occupiers and users.

- 2.2. 24/00167/DISCON - Request for confirmation of discharge of condition 04 (Foul Water) attached to planning permission 23/01604/FUL; Glass Recycling Compound Conditions discharged 09.02.2024
- 2.3. 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

3.0 The Proposal

- 3.1 The S73a application seeks permission to vary condition 08 (as stated in the relevant planning history section) which would allow for an increase in the number of deliveries per day from the permitted two to three, and an increase in the weekly glass collection visits from one per week to two. Condition 09 is proposed to be removed to allow the glass recycling site to remain in the same location as a permanent site.
- 3.2 The compound received the recyclable glass from household collections throughout Newark and Sherwood District from the kerbside recycling scheme, this is delivered to the site by the refuse lorries before being collected via a lorry service and deliver to a recycling centre.
- 3.3 The application has been assessed based on the following plans and documents:
- Application Form received 06 May 2025
 - Noise Impact Assessment – Glass Transfer Station received 06 May 2025
 - Supporting Statement received 06 May 2025

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 44 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.
- 4.2 Site visit undertaken on 21 May 2025

5.0 Planning Policy Framework

5.1. 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
NAP1 - Newark Urban Area

5.2. Allocations & Development Management DPD (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

- 5.3. The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024 and has completed its Examination In Public during November 2024 and we are awaiting the Inspectors report on this. This is therefore at an advanced stage of preparation, albeit there are unresolved objections to amended versions of all the above DM policies (apart from DM12) emerging through that process. As such, the level of weight to which those proposed new policies can be afforded is therefore currently limited. As such, the application has been assessed in-line with all policies from the adopted Development Plan, other than DM12.

5.4. **Other Material Planning Considerations**

National Planning Policy Framework 2024 (amended 2025)

Planning Practice Guidance (online resource)

S.66 Planning (Listed Buildings and Conservation Areas) Act 1990

6.0 **Consultations and Representations**

Please Note: Comments below are provided in summary - for comments in full please see the online planning file.

Statutory Consultations For guidance on Statutory Consultees see Table 2: [Consultation and pre-decision matters - GOV.UK \(www.gov.uk\)](#)

None

Town/Parish Council

- 6.1. Newark Town Council – No objection

Representations/Non-Statutory Consultation

- 6.2. NSDC Environmental Health – No objection
- 6.3. No comments have been received from any third party/local resident

7.0 **Comments of the Business Manager – Planning Development / Appraisal**

- 7.1. The key issues are:

- Principle of development
- Impact on the Character of the Area including heritage impact
- Impact on Amenity

- 7.2. An application under Section 73 is in effect a fresh planning application but should be determined in full acknowledgement that an existing permission exists on the site. This section provides a different procedure to such applications for planning permission and requires the decision maker to consider only the question of the

conditions subject to which planning permission was granted. As such, the principle of the approved development cannot be revisited as part of this application.

- 7.3. An application can be made under Section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. In determining such an application, the local planning authority is only able to consider the question of conditions subject to which planning permission should be granted and-
- (a) If the authority decides that planning permission should be granted subject to condition differing from those subjects to which the previous permission was granted, or that it should be granted unconditionally, the authority shall grant planning permission accordingly, and
 - (b) If the authority decides that planning permission should not be granted subject to the same condition as those subject to which the previous permission was granted, the authority shall refuse the application.
- 7.4. The PPG is clear that any new permission should set out all condition related to it unless they have been discharged and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission. Whilst the application has defined which condition are sought to be varied, the local authority has the power to vary or remove other conditions if they are minded in granting a new planning consent.
- 7.5. 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."
- 7.6. 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

- 7.7. The principle of development is not in question under this application and the matters of details, and the suitability of the amendment is considered in the following report.
- 7.8. Other material considerations also must be taken into account, and these are explored below.

Impact upon Residential Amenity (amendment to Condition 8)

- 7.9. 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. Core Policy 9 of the Amended Core Strategy seeks to ensure a high standard of design which is appropriate.

- 7.10. A noise assessment has been submitted with the proposal which indicates some 'adverse impact' at the closest noise sensitive dwellings, this level of noise impact typically occurs during one to two hours per week. But overall the level of impact is considered low due to the limited number of events and limited duration of tipping and bulk collections.
- 7.11. Any assessment of noise should be considered in context. When a consideration of context is applied, the level of noise impact when applying British Standard (BS 4142:2014+A1:2019) is considered low to adverse. This finding is based on the limited number of tipping and bulk collection events occurring per week. The tipping and bulk collection events occur during typical business hours between 8am and 5pm and do not occur during unsociable hours, at the weekend or on public holidays.
- 7.12. The site contains other industrial/commercial sites which contributes to the background noise.
- 7.13. It is considered that the increase in the number of deliveries to three (from two) per day and collections to two (from one) per week, is considered acceptable with regards to the impact on neighbour amenity. Environmental Health colleagues are satisfied with the proposal, and they have not received any complaints on noise. It therefore falls to be considered acceptable against policy DM5 of the Allocations and Development Management DPD and Core Policy 9 of the Amended Core Strategy as well as the NPPF (2024).

Impact of allowing the use as permanent (removal of Condition 9)

- 7.14. The proposal is to an existing facility within the Newark Urban Area as defined within the Allocations and Development Management DPD (DPD). 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.
- 7.15. The glass recycling facility has been in operation at the site since April 2024. The main consideration is the impact on the existing residents within the area from the increase in the number of deliveries and collections.
- 7.16. The site was granted temporary permission under 23/01604/FUL due to the Council seeking to explore other potential sites and Members being concerned over the noise

caused by the proposal. The Council has explored the option to relocate facility to another site, but this has proved non-viable.

- 7.17. Members were concerned about the noise caused from the development which was why the development was only granted temporary consent, however as Members will see from the preceding section (Impact on Residential Amenity), the proposal does not create any adverse harm to existing sensitive users, and therefore it is considered that there is no good reason for the use not to be granted permanent permission. The site is an industrial location in a highly sustainable location within the Newark Urban Area. Therefore, the removal of Condition 9 is considered acceptable.

Other matters

- 7.18. **Heritage** The proposal would not result in any greater built development and thus the proposal would not result in any further harm to the significance of the surrounding heritage assets.
- 7.19. **Highways** Although the proposal would result in an increase in the number of vehicle movements to and from the site, this is not considered to result in harm to the surrounding highway network.
- 7.20. **Flood Risk** The proposal would not result in the creation of any further built development which would result in an increase in flood risk to the surrounding area. Flooding/surface water conditions have already been satisfied through the original planning consent 23/01604/FUL.
- 7.21. **Ecology** The proposal would not result in the creation of any further built development which would result in an increase in harm to the local ecology or to the surrounding area.
- 7.22. **Community Infrastructure Levy (CIL)** – There is no floorspace created.
- 7.23. **Biodiversity Net Gain (BNG)** – In England, BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) from February 2024. BNG is an approach to development which makes sure a development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. This legislation sets out that developers must deliver a minimum BNG of 10% - this means a development will result in more, or better quality, natural habitat than there was before development. However, there are some developments that are exempt from the BNG. The approval is a section 73 permission, where the original permission which the section 73 relates to was either granted before 12 February 2024 or the application for the original permission was made before 12 February 2024, BNG is therefore not applicable in this case.

8.0 Implications

- 8.1. 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.

8.2. Legal Implications – LEG2526/8391

Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application.

9.0 Conclusion

- 9.1. It is considered that the increase in the number of deliveries from two per day to three, and collections per week from one to two, is not considered to result in harm to residential amenity from noise. The proposal would result in a permanent use of the site for the facility, which given the sustainable location within an industrial/commercial area within the defined Newark Urban Area, is considered acceptable.
- 9.2. The proposal would not result in harm to highways, heritage (designated listed buildings), ecology or to flood risk and therefore the proposal accords with Spatial Policy 1, 2 and 7 and Core Strategy policies 9 and 10 as well as Policy DM5 of the Allocations and Development Management DPD and the NPPF and S.66 of the Planning and Listed Building Act.
- 9.3. It is therefore recommended that the application for variation of condition 08 to allow increase of deliveries for day and removal of Condition 09 to allow use of site permanently attached to planning permission 23/01604/FUL be **APPROVED**. Some conditions have already been discharged due to them being pre-commencement. Therefore, the conditions from the original consent have been amended or deleted for relevance. These changes are shown 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.~~

~~02-01~~

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

~~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

~~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

~~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.~~

~~07-02~~

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.

~~08-03~~

There shall be no more than ~~two~~ **three** deliveries of glass to the site per day, and no more than ~~one~~ **two** collection on 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.

~~09~~

~~The use hereby permitted shall cease and all materials associated with the use be removed and the land restored to its former condition on or before 30th November 2026.~~

~~Reason: To enable evidence to be gathered of the impact of the development upon adjoining occupiers and users.~~

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~~

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 03

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).

06-04

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.

05

Biodiversity Net Gain

From the information provided as part of the application, the development granted by this notice is considered exempt from the biodiversity gain condition.

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the condition “the biodiversity gain condition” that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and**
- b) the planning authority has approved the plan;**
- OR**
- c) the development is exempt from the biodiversity gain condition.**

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Newark and Sherwood District Council (NSDC).

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Details of these exemptions and associated legislation are set out in the planning practice guidance on biodiversity net gain ([Biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain))

Based on the information available, this permission is considered by NSDC not to require the approval of a biodiversity gain plan before development is begun, because the following reason or exemption is considered to apply – The approval is a section 73 permission, where the original permission which the section 73 relates to was either granted before 12 February 2024 or the application for the original permission was made before 12 February 2024.

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.

