

PLANNING COMMITTEE – 6 NOVEMBER 2018

Application No:	17/01090/FULM		
Proposal:	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.		
Location:	Newark Lorry Park, B6326 Great North Road, Newark On Trent, NG24 1BL		
Applicant:	Newark and Sherwood District Council		
Registered:	14 September 2018	Target Date: 14 December 2018	

This application is presented to the Planning Committee for determination because Newark & Sherwood District Council is the Applicant.

The Site

The site itself is part of the existing lorry park site with an additional two parcels of land which are currently grassed/scrub land used to graze horses with some mature planting along the highway boundaries at the edge of the Newark Urban Area. This is a relatively prominent site at a gateway to Newark.

To the north is the A46 bypass which is set higher with the intervening land being embanked with mature trees and vegetation forming a good level of screening. To the west is the Great North Road which is bounded by some mature trees and vegetation. A railway line is located to the east, beyond which is Newark Conservation Area and Great North Road is located to the west of the site. To the south is the existing lorry park site which contains a single storey café building, lorry wash and large expanse of circulation/parking areas.

The site contains some trees and appears to contain a watercourse/dyke. The site lies within Flood Zone 2.

Relevant Planning History

16/01963/FUL Erection of a 20m High Galvanised Steel Radio Mast and 2m High Galvanised Steel Pallasade Fence Compound including Access Gate – permission 12.01.2017

01920644 Formation of lorry drivers service block and cafeteria – permission 12.08.1992

01891522 Siting of portacabin for temporary café facility – permission 08.01.1990

01880001 Erection of petrol filling station and car wash, motorists restaurant and car parking – refused 15.12.1988

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

The Proposal

The application seeks full planning permission for the extension of Newark Lorry Park onto two adjacent parcels of land. These parcels of land are located immediately to the south of the A46 and north of the existing lorry park, cattle market and Council Offices. The application also includes the provision of a fuel bunker on existing lorry park land.

Each parcel would contain a vehicle circulation loop connecting to the wider lorry park site. Within the west parcel, 60 lorry parking spaces would be provided and the road would loop to the rear of the existing café building. Within the east parcel, 30 lorry parking spaces would be provided with the road looping towards the A46 and the north east corner of the site. The proposal requires the removal of existing foliage and vegetation including of a number of trees. The parcels of land would be excavated to 400mm deep. The proposed parking areas would be constructed from a stone sub-base placed on non-woven geotextile. The roads would be constructed from concrete.

In November 2015 planning permission was granted for the provision of new council offices on land adjacent to the cattle market (App. No. 15/01469/FULM). This has resulted in the loss of lorry parking availability (circa 57 spaces). Prior to the construction of new Council Offices, surveys have shown that the lorry park could accommodate circa 160 heavy goods vehicles and between 49 - 148 lorries parked there on any given day (110-111 on average). The overall no. of lorry spaces prior to construction of council offices was circa. 160. There are currently 103 spaces as existing and the proposal would result in the provision of circa. 159 spaces overall.

Three 25 metre high lighting columns are proposed within the site with CCTV either fixed to the proposed columns or to existing masts/post also proposed (NB there are already three existing columns within the existing site which would have their floodlights replaced to match the proposed lights). Each lighting column would contain 6 floodlights in a circular arrangement. A pedestrian crossing containing 2 illuminated pedestrian beacons would also be provided approximately 40 metres into the site.

The following documents were originally submitted in support of the application:

- Landscape and Visual Technical Note
- Heritage Statement November 2016
- Flood Risk Assessment by BWB August 2017
- Parking Provision Overview Technical Note June 2016
- Ecological Appraisal July 2016
- Bat Survey Report October 2016
- Updated Ecology Survey by fpcr 15.11.2017
- Arboricultural Assessment November 2016

Revised plans were submitted on 14.09.2018 which extended the extent of the red line boundary of the application site to include the location of a proposed fuel bunker to the east of the existing lorry wash and to also overcome concerns raised initially in relation to trees/landscaping. The access roads now also extend through the existing lorry park to meet the existing access road. The purpose of extending the roads is to link the proposed roads with the existing road, so that lorries can circulate around the lorry park without leaving the access road. The position of the proposed access roads have also changed slightly to create a layout which allows additional landscaping including replanting of trees. A footpath and pedestrian crossing have also been added to enhance pedestrian safety within the scheme. Additional CCTV has also been included in the scheme; this would improve security across the site for the existing and proposed parking areas and help to address the national issue of thefts from lorry parks.

The following documents were submitted alongside the revised plans:

- Letter explaining proposed amendments dated 13.09.2018
- Fuel bunker specification
- Photos of fuel bunker
- Enviroceptor forecourt separators installation, operating and maintenance guidelines
- 5658-001 Rev A Proposed Layout (fuel bunker)
- 5658-002 Rev A Miscellaneous Civil Details (bollards and kerbs etc)
- 7349-L-01 Detailed Planting Plan
- DS1247 Enviroceptor Forecourt Separator
- Arboricultural Assessment by fpcr September 2018
- Assessment of Trees for Roosting Bats Letter by fpcr 23.01.2018
- Revised Site Plan 200-01 Rev A
- Site Services Plan R/200-05
- Tree Retention and Removal Plan R/200-06
- Standard Details and Cross Sections R/200-06 (road)
- Proposed Lighting and CCTV R/200-12
- Plan Showing Swept Paths for Parked Lorries R/200-17
- Tree Retention Plan 7349-A-01 Rev A
- Site Plan R/200-01
- Site Clearance Plan R/200-07
- Surface Treatment Plan R/200-08
- Proposed Barriers R/200-15
- Plan Showing Swept Paths for Roads R/200-16

Departure/Public Advertisement Procedure

Occupiers of two properties were originally notified by letter. Occupiers of five residential properties were consulted on the revised plans received by letter.

A site notice was posted 01.11.2017.

A press notice was published 19.10.2017.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (Adopted March 2011)

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 7 - Sustainable Transport

Core Policy 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 and Development Management DPD (Adopted July 2013)

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

Policy DM4 - Renewable and Low Carbon Energy Generation

Policy DM5 - Design

Policy DM7 - Biodiversity and Green Infrastructure

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework (NPPF) 2018

National Planning Policy Guidance (NPPG) 2014

Newark and Sherwood Amended Core Strategy DPD 2017

Consultations

Newark Town Council: No Objection.

Environment Agency: The Environment Agency are not required to formally comment on the above application as Flood Risk Standing Advice applies and we are no longer commenting on the discharge of surface water drainage conditions we requested prior to April 2015 as this responsibility has transferred to the Lead Local Flood Authority.

Severn Trent Water – No objection to the proposal subject to the inclusion of the following;

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our New Connections Team (Tel: 0800 707 6600).

Suggested Informative:

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals.

Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

NB. We have clean water apparatus within the proposed application site, the developer will need to contact Severn Trent Water New Connections Team to assess their proposed plans for diversion requirements.

Trent Valley Internal Drainage Board: The site is within the Trent Valley Internal Drainage Board district. The Board maintained Old Trent Dyke Pt. 1, an open watercourse, exists in close proximity to the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applied.

The Board's consent is required for any works, whether temporary or permanent, in, over or under, any Board maintained watercourse or culvert.

The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board's prior written consent.

The Board's consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board's consent will only be granted where the proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board's machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works. The applicant should therefore note that the proposals described within the planning application may need to be altered to comply with the Board's requirement if the Board's consent is refused.

Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

NCC Lead Local Flood Authority: A surface water drainage strategy must be approved by the LPA prior to any construction start. This must show how flows from the development will be contained to Qbar rates to prevent any increase in run off and how the proposals comply with CIRIA documents C687 and C697.

Cadent Gas: Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified. Can you please inform Plant Protection, as soon as possible, the decision your authority is likely to make regarding this application. If the application is refused for any other reason than the presence of apparatus, we will not take any further action. Please let us know whether Plant Protection can provide you with technical or other information that may be of assistance to you in the determination of the application. Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location. It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near Cadent and/or National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to Cadent Gas Limited, National Grid Electricity Transmission plc (NGET) and National Grid Gas Transmission plc (NGGT) and apparatus. This assessment does NOT include:

- Cadent and/or National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent and/or National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Plant Protection.

- Gas service pipes and related apparatus
- Recently installed apparatus
- Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is YOUR responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on either the National Grid or Cadent website.

This communication does not constitute any formal agreement or consent for any proposed development work; generally or with regard to Cadent and/or National Grid's easements or wayleaves nor any planning or building regulations applications.

Cadent Gas Limited, NGGT and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

NCC Petroleum Officer: This Department (Notts County Council Trading Standards) have no objections to this proposal. Our interest is with the provision of a fuel bunker, as we are the Petroleum Enforcement Authority (PEA) for Nottinghamshire. Briefly, if the provision of a fuel bunker involves the storage & dispensing of petroleum, then Trading Standards will need to approve such an installation, and be consulted upon its design & installation, and ultimately, issue a Petroleum Storage Certificate (PSC). No works must begin until our approval has been issued, if we are talking petroleum storage. Diesel fuel storage does not require licensing, hence no approval from Trading Standards is then required, nor consultation from this Department. Please note, Diesel fuel is still subject to storage legislation, which I understand is enforced by the Environment Agency, so they would need to be consulted with if we are talking diesel fuel storage. Please contact myself further if necessary.

Network Rail:

Comments received 26.09.2018:

In relation to the above application I can confirm that Network Rail have no further comments to make on the additional information supplied other than those returned in response to the original application on 31 October 2017 which still apply.

Comments received 31.10.2017:

With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met:

Fail Safe Use of Crane and Plant: All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a 'fail safe' manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Armco Safety Barriers: An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. This is in accord with the new guidance for road/rail vehicle incursion NR/LV/CIV/00012 following on from DfT advice issued in 2003, now updated to include risk of incursion from private land/roadways.

Fencing: Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions: Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a 'fail-safe' manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. 'possession' which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

The method statement will need to be agreed with:

Asset Protection Project Manager
Network Rail (London North Eastern)
Floor 3B
George Stephenson House
Toft Green
York
YO1 6JT
Email: assetprotectionlneem@networkrail.co.uk

Lighting: Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Network Rail is required to recover all reasonable costs associated with facilitating these works. I would advise that in particular the boundary fencing, Armco barriers, method statements and lighting should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

Highways England:

Comments received 26.11.2018 and 24.10.2017:

Drainage: The proposed site is located adjacent to the southern boundary of the A46, which forms part of the SRN. We therefore recommend that further details should be provided to show that the proposed works are appropriately designed to intercept and convey runoff. The applicant should note that in line with paragraph 50 of Circular 02/2013, no water runoff that may arise due to any change of use will be accepted into the highway drainage systems, and there shall be no new connections into those systems from third party development and drainage systems.

Boundary Treatment: From review of the plans provided it is not clear what the existing and proposed ground profiles are to the north of the site closest to the A46, nor is the proximity of the northern boundary to Highways England's boundary clear although an existing fence restricts the northern most part of the site from encroaching on the highway. It is normal practice that any boundary treatment would remain privately owned and the inspection and maintenance would be the responsibility of the owner.

Conditions to be attached to any grant of planning permission:

1. The development hereby permitted shall not commence until the drainage strategy associated with these works has been submitted to and approved by the Local Planning Authority in consultation with Highways England. The development shall be carried out in accordance with the approved details.
2. The development hereby permitted shall not commence until details of the boundary treatment adjacent to the A46 have been submitted to and approved in writing by the local planning authority, in consultation with Highways England. Any approved boundary treatment shall be constructed in accordance with the approved plans, and maintained in perpetuity.

Reason: To ensure that the A46 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980, to maintain the integrity of the strategic road network.

NCC Highways:

Comments received 26.09.2018:

Further to comments dated 20 October 2017, HGV swept path drawings have been submitted which satisfactorily show how manoeuvres can be achieved.

Comments received 20.10.2017:

It is understood that this is a like-for-like replacement of the lorry parking lost to the adjacent Council Office development. Since it will not alter the access arrangement, nor significantly change the traffic movements I have no objection to the principle of this proposal. Whilst I would expect the designers to have left adequate manoeuvring space for HGVs to circumnavigate the parking areas, perhaps this should be demonstrated by the submission of vehicle swept path diagrams. Since the access and site is so close to the A46, I recommend that Highways England be consulted particularly given the medium term plans to see improvements made to this trunk road. Subject to the above, I have no objections.

Nottinghamshire Wildlife Trust:

Comments received 27.09.2018:

Reptiles: A second walkover survey was undertaken in 2017 which revealed that habitat suitability for reptiles was considered to have declined since the 2016 survey. Given the evidence provided, we are satisfied that the proposed precautionary working methods prior to site preparation, such as strimming existing vegetation back to the site boundaries (and from that point onwards maintaining a short sward) should be sufficient to avoid impact on reptiles.

Bats: Further trees surveys for bats were undertaken in 2018 with no signs of bat roosts identified. Given the results of this survey work, we are satisfied that bats do not pose a constraint to the removal of T7, provided it is carried out in accordance with the ecologist's recommendations. Please note ALL vegetation clearance should be timed to avoid the bird breeding season.

Our other comments dated 12th October 2017 remain valid. All ecological recommendations for measures to avoid, mitigate and/or compensate for identified ecological impacts should be secured through planning conditions, should the application be approved.

Comments received 12.10.2017:

Ecological Appraisal Report (FPCR, July 2016)

- The report is considered sufficiently up to date and we are satisfied with the methodology
- The site has been shown to contain a range of habitats potentially suitable for protected species, including bats, nesting birds and reptiles
- Information regarding bats is contained within a separate report
- To avoid impact on nesting birds, any vegetation clearance should be undertaken outside of the bird breeding season (i.e. avoiding March to September)
- To mitigate for habitat loss, new mixed native species planting should be undertaken. We recommend conditioning a detailed landscaping plan
- Suitable habitat for reptiles was identified and therefore a reptile survey was recommended. We cannot see that this has been undertaken and recommend the LPA requests that it is carried out before the application is determined (in accordance with Circular 06/05). Following this work, any subsequent recommendations could then be conditioned. Section 6.26 contains recommendations for biodiversity enhancements. We are supportive of such measures, as encouraged under the NPPF. These could be incorporated into the landscaping plan as above

Bat Survey Report (FPCR, October 2016)

- The report gives details of two transect surveys (summer and autumn) and one period of static monitoring. This is less than the ideal level of survey recommended within the earlier Ecological Appraisal Report. There is no information given to justify why spring surveys were not undertaken. We consider this a constraint to the survey work.
- Ground level tree assessments were undertaken. We cannot see that aerial assessment and/or nocturnal survey was undertaken as recommended within the earlier Ecological Appraisal Report. Where trees are not directly affected by the proposal, and will be suitably buffered we are satisfied that no further survey is necessary. However, T7 is to be felled and we recommend LPA requests that aerial assessment and/or nocturnal survey is undertaken before the application is determined (in accordance with Circular 06/05). Following this work, any subsequent recommendations could then be conditioned. If vegetation clearance is planned around trees T8, T10, T12, T13, T14 and G6 then further survey must be undertaken as this could cause indirect impact

- Notwithstanding the constraints to survey, the site has been shown to be used by foraging and commuting bats and therefore recommendations regarding habitat retention, habitat creation and suitable lighting must be secured through planning conditions should the application be approved

We recommend that the above points are addressed prior to determination of the application.

Historic England: On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

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

Legal and Policy Considerations

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

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

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

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

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

Significance of Heritage Asset(s)

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

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

Assessment of Proposal

The proposal seeks to create hardstanding areas for lorry parking with associated lighting columns.

Given the existing arrangement on the Lorry Park, the proposal is unlikely to have any significant impact on the setting of the CA or nearby heritage assets. It is acknowledged that the historic landscape setting of the town has been fragmented by the modern A46 and the modern cattle market and lorry park areas. Moreover, the use of hardstanding maintains the overall sense of spaciousness, ensuring that the neutral contribution made by the Lorry Park is maintained. The lighting columns are large, but given the existing lighting column arrangements, this is unlikely to result in significant incremental change (I have taken into account longer views of the Church of St Mary and Castle in considering this issue).

Opportunities to reinforce soft landscaping at the edge of the site should be considered to help soften the hard landscaping proposed.

Conservation otherwise has no objection and finds no harm within the meaning of sections 66 and 72 of the Act.

Clarity should be given on any engineering works, including the depth of any excavations for the new hardstanding. Although archaeology is not anticipated to be an added complexity in this case, clarification of the depth of any subsoil excavations should be given (please re-consult us). The work undertaken on the Council project on the adjoining site provides useful technical information on potential alluvial deposits in this part of the river valley.

NSDC Archaeological Officer: The heritage statement submitted with this application focuses solely on historic buildings and pays no regard to potential below ground historic assets that may be impacted by the proposed development. This site is close to the civil war defences of Newark, some of which have been recorded as surviving partially as earthworks. However these are outside the site and it is unlikely that these or any other archaeological remains will be disturbed by the proposed development. No archaeological input required.

NSDC Environmental Health Officer (Contaminated Land): No observations.

NSDC Tree Officer:

Comments received 17.09.2018:

Amended details address previous comments therefore no objection subject to conditions.

Comments received 17.11.2017:

The submitted tree survey indicates removal of the majority of vegetation apart from trees T1,2,3,4,5 and groups G1,2,5 with suitable protection measures for these retention recommended.

However, the submitted site plan seems to indicate the revers of this with retention of trees T7,T8 and T9, retention of T10,11,12,13,14 and G6,G8 which are likely to be adversely affected by proposed hard surfacing. T16 is also shown as retained.

Both the tree survey and submitted landscape and visual technical note refer to soft landscaping options but this is not reflected on any submitted plan or within other submitted documentation.

Clarity on the above comments is requested as it is likely that more trees will be lost than shown due to construction activities resulting in the loss of virtually all on site vegetation. I would also expect some mitigation and screening landscaping provision is provided at this stage in order to evaluate loss of green infrastructure against proposed compensatory planting.

No letters of representation have been received from neighbouring properties.

Comments of the Business Manager

Principle of Development

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

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

Core Policy 6 supports the strengthening and broadening of the economy of Newark and Sherwood District and requires most growth to take place within Newark. The site is within the urban boundary of Newark and involves the extension of the existing lorry park into grazing/agricultural land. The proposed development would provide an increased amount of lorry parking within Newark adjacent to the A46 which would be a benefit to the local economy and beyond in accordance with the aims of Core Policy 6 and to the benefit of the local economy.

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

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

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

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

The site is partially visible from both the A46 and Great North Road albeit views are intermittent due to the existing levels of landscape screening along the sites boundary. This site comprises open space providing a soft edging to the main built-up area of the town and is considered to be important for the setting of the urban boundary. On approach into Newark views also comprises the Edwardian tree lined avenue of Great North Road with a number of listed buildings including Grade II listed Castle Station and various industrial buildings along with the Grade 1 Listed Castle and St Mary Magdelanes Church also visible. The 18th century Smeaton's Arches (Grade II) and various Civil War earthworks are located adjacent to the site and are also important aspects of the town's setting and significance.

Conservation Officers' comments are set out in full in the 'Consultations' section above and raise no objection to the proposal. I concur with this view and consider it unlikely that the proposal would have any adverse impact on the setting of the Conservation or nearby heritage assets. The immediate vicinity of the site and historic landscape setting has already been fragmented by the modern A46 and the modern cattle market and lorry park areas. Moreover, the use of hardstanding maintains the overall sense of spaciousness, ensuring that the neutral contribution made by the Lorry Park is maintained. The lighting columns are large, but given the existing lighting column arrangements, this is unlikely to result in significant incremental change.

A Detailed Planting Plan has been submitted with the application and includes reinforcement of soft landscaping at the edge of the site which would help soften the hard landscaping proposed. New tree and shrub planting is proposed along both the north and west boundaries of the site. This would decrease existing visibility of the site and ensure no adverse impact upon visual amenity would result.

Overall, it is considered that the proposed development would not adversely affect the setting of any heritage assets or result in any adverse impact upon residential amenity in accordance with Sections 66 and 72 of the Act in addition to Core Policies 9 and 14 and Policies DM5, DM9 of the Allocations and Development Management Development Plan Document (DPD) and the NPPF.

Impact on Flooding

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

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

The NPPF sets out policy on flood risk stating that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. It goes on to say that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. In applying the sequential test I consider that given the proposal is an extension of an existing facility/service it would not be practical or appropriate to site this anywhere else. I therefore consider that to site this elsewhere would be nonsensical and it would not in this instance be appropriate to site this in an area of lower risk of flooding.

It is also necessary to demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. A Flood Risk Assessment has been submitted with the application and concludes that 'development will not increase flood risk to the wider catchment area as a result of suitable management of surface water runoff discharging from the site'. A drainage condition (also at the request of Highways England and the LLFA) is recommended. In addition, it also recommended that site staff are encouraged to sign up to the Environment Agency flood warning system. It is also recommended that a planning condition be imposed to ensure this is also undertaken. The Environment Agency raise no objection to the application.

Subject to conditions, the proposal is considered acceptable in accordance with the aims of Core Policy 9 and Core Policy 10 of the Core Strategy and Policy DM5 of the DPD.

Impact on Highways

Policy DM5 seeks to ensure adequate access and parking is provided for development and SP7 relates to sustainable transport. The proposal utilises an existing access off Great North Road. The Highways Officer raises no objection to the application as swept path drawings have been submitted which satisfactorily show how manoeuvres can be achieved and because the proposal essentially proposes additional lorry park spaces to compensate for those lost as part of the Council offices development. As such, the proposal is considered to comply with the highways requirements of Spatial Policy 7 and Policy DM5 of the DPD.

Impact on Neighbouring Amenity

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

Impact on Ecology and Trees

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

An Ecology Report (by FPRC in July 2016), bat survey and reptile survey have been submitted with the application. Further bat and surveys were recommended by Notts Wildlife Trust and have been undertaken. In light of the findings of these surveys, the Trust now raise no objection to the application subject to precautionary working methods being undertaken and measures to avoid, mitigate and/or compensate for identified ecological impacts being secured through planning conditions.

In relation to trees, a number of trees are to be removed. The majority of these trees are contained within groups considered to have low amenity value. However there are four larger trees/groups to be removed. Two of these are Category B trees, one is a Category C trees and one is a Category U. Category U trees are unsuitable for retention as they are in poor condition. Category C trees tend to be smaller trees or ones considered to be of low quality. They may have a limited life expectancy or contribute very little to the amenity of the locality. Such trees should not normally be considered as a constraint against development and their removal will generally be acceptable.

The two category B trees are ordinarily considered suitable for retention and are of moderate quality with an estimated remaining life expectancy of at least 20 years. The submitted Arboricultural report concludes that:

'Whilst the need to remove these trees is regrettable arboriculturally, it would be unfeasible to consider that the land in which these trees reside offers little opportunities to serve for any other purpose than that of an area of lorry/car parking. As such the trees are always going to have a limited lifespan as there is no requirement, at current, to ensure their longevity. It would be recommended that opportunities to provide mitigation for the losses is explored in the form of new structured buffer planting along the northern boundary, to provide some screening from the main A46 into the site'.

Both the Tree Officer and I concur with this view subject to conditions relating to tree/landscape protection during construction in addition to the implementation of the submitted landscape scheme. Subject to conditions, no adverse ecology impacts would result from the proposal in accordance with Core Policy 12 and Policies DM5 and DM7 of the DPD.

Conclusion

The proposed development would provide an increased number of lorry spaces to compensate for those lost as part of the previous Council building development which would facilitate a need for lorry parking adjacent to the A46 to the benefit of the local economy in accordance with the aims of Core Policy 6.

The proposal would not be unduly prominent on approach into Newark and would not adversely affect the setting of heritage assets subject to conditions requiring the protection and enhancement of existing trees and landscaping. In relation to the sites location within Flood Zone 2, it is not considered that the proposal would result in increased levels of flood risk or drainage issues subject to planning conditions. No other harm has been identified and the proposal would not result in any adverse impact upon neighbouring amenity, highway safety or ecology.

It is therefore considered that the scheme is acceptable and should be approved subject to conditions.

RECOMMENDATION

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

01

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

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

02

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

- 5658-001 Rev A Proposed Layout (fuel bunker)
- 5658-002 Rev A Miscellaneous Civil Details (bollards and kerbs etc)
- 7349-L-01 Detailed Planting Plan
- DS1247 Enviroceptor Forecourt Separator Plans
- Revised Site Plan 200-01 Rev A
- Site Services Plan R/200-05
- Tree Retention and Removal Plan R/200-06
- Standard Details and Cross Sections R/200-06 (road)
- Proposed Lighting and CCTV R/200-12
- Plan Showing Swept Paths for Parked Lorries R/200-17
- Tree Retention Plan 7349-A-01 Rev A
- Site Plan R/200-01

- Site Clearance Plan R/200-07
- Surface Treatment Plan R/200-08
- Proposed Barriers R/200-15
- Plan Showing Swept Paths for Roads R/200-16

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

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

03

The development hereby permitted shall not commence until the drainage strategy associated with these works has been submitted to and approved by the Local Planning Authority in consultation with Highways England. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the A46 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980, to maintain the integrity of the strategic road network.

04

The development hereby permitted shall not commence until details of the boundary treatment adjacent to the A46 have been submitted to and approved in writing by the local planning authority, in consultation with Highways England. Any approved boundary treatment shall be constructed in accordance with the approved plans, and maintained in perpetuity.

Reason: To ensure that the A46 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980, to maintain the integrity of the strategic road network.

05

No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include:

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.
- c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
- e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

- f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme.

Reason: To ensure the existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and biodiversity.

06

The following activities must not be carried out under any circumstances:

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e. No soak-aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

Reason: To ensure the existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and biodiversity.

07

The approved landscaping scheme shown on Drawing No. 7349-L-01 shall be carried out within 6 months of the first use of the site or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

Reason: To ensure the existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and biodiversity.

08

Any clearance works of vegetation on site should be conducted outside of the bird breeding season. If works are conducted within the breeding season (between March to September inclusive), a nesting bird survey must be carried out by a suitably qualified ecologist prior to the clearance taking place and written confirmation has been provided to the Local Planning Authority that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any located nests must then be identified and left undisturbed until the young have left the nest.

Reason: In order to protect biodiversity on the site.

09

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

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

10

Notwithstanding the submitted details contained in the submitted Assessment of Trees for Roosting Bats (letter by fpcr dated 23.01.2018) and the Ecological Appraisal (fpcr dated July 2016), no development shall be commenced until a scheme for ecological enhancements has been submitted to and approved in writing by the Local Planning Authority. This shall include details of a timetable for implementation of the enhancements. The scheme shall thereafter be implemented in accordance with the approved scheme.

For the avoidance of doubt, the scheme shall include:

- Details of how lighting will be designed to avoid any impacts associated with light spill on potential roost locations, bat flight-lines or foraging habitat.
- The installation of bird and bat boxes onto retained tree standards.

Reason: In order to provide ecological enhancements in the interests of biodiversity.

Note to Applicant

01

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

04

Fail Safe Use of Crane and Plant: All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a 'fail safe' manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Armco Safety Barriers: An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. This is in accord with the new guidance for road/rail vehicle incursion NR/LV/CIV/00012 following on from DfT advice issued in 2003, now updated to include risk of incursion from private land/roadways.

Fencing: Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions: Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a 'fail-safe' manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. 'possession' which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

The method statement will need to be agreed with:

Asset Protection Project Manager
Network Rail (London North Eastern)
Floor 3B
George Stephenson House
Toft Green
York YO1 6JT
Email: assetprotectionlneem@networkrail.co.uk

Lighting: Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Network Rail is required to recover all reasonable costs associated with facilitating these works. I would advise that in particular the boundary fencing, Armco barriers, method statements and lighting should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

05

The site is within the Trent Valley Internal Drainage Board district. The Board maintained Old Trent Dyke Pt. 1, an open watercourse, exists in close proximity to the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applied. The Board's consent is required for any works, whether temporary or permanent, in, over or under, any Board maintained watercourse or culvert. The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board's prior written consent. The Board's consent is required irrespective of any permission gained under the Town and Country Planning Act 1990.

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals.

Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

NB. We have clean water apparatus within the proposed application site, the developer will need to contact Severn Trent Water New Connections Team to assess their proposed plans for diversion requirements.

Background Papers

Application Case File

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

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

Matt Lamb
Business Manager – Growth & Regeneration

Committee Plan - 17/01090/FULM

