

PLANNING COMMITTEE – 8 SEPTEMBER 2020

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| Application No: | 11/01300/FULM | | |
| Proposal: | Re-configuration of access arrangements to existing freight yard and provision of new parking and turning area for commercial vehicles. | | |
| Location: | P A Freight Services Ltd International Logistics Centre, Park House, Farndon Road, Newark On Trent NG24 4SP | | |
| Applicant: | PA Freight - Mr Andrew Morris | | |
| Agent: | Matthew Tucker - Legge Consulting | | |
| Registered: | 30 September 2011 | Target Date: | 30 December 2011 |
| | | Agreed ext. of time: | 09 September 2020 |
| Link to Application Document: | https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LRTTSKLB68000 | | |

The Site

The application site relates to an existing logistics, warehousing and distribution centre, occupied by PA Freight, together with adjacent agricultural land to the south-west, equating to approximately 3 hectares of land. PA Freight are a specialist packing and freight company who organise the safe shipping and transport of abnormal loads across the world.

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

Access has been historically taken along an 80 metre private drive from Farndon Road, which is located immediately adjacent to a property known as 'Camahieu' (No 153). A lorry park area is currently located immediately to the south of this access drive. This drive also serves/served a residential dwelling located to the east of the site called Cranleigh Park, 153a Farndon Road which adjoins the open countryside.

The new Highways England infrastructure in connection with the dualling of the A46 trunk road is now in place and includes an upgraded roundabout to the south-west and a new access to serve PA Freight and third parties. More recently, the private drive off Farndon Road appears to have been temporarily blocked and access is now achieved via the eastern arm of the Farndon Roundabout. Part of the site has also recently been cleared of vegetation and a temporary surfacing has been put down albeit tufts of grass can be seen growing through it. The green fencing has also been continued around the site.



Photo taken 03.07.20

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

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

The buildings at PA Freight sit within Newark Urban Area, whilst the adjoining field including existing lorry park area and accesses are located within the open countryside and the Farndon Open Break.

The site lies within flood zone 2 and 3.

Relevant Planning History

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

15/00292/FUL Erection of a new gantry crane on an existing industrial site – permission 10.07.2015

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

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

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

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

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

96/51057/FUL Erect storage shed – permission 24.02.1997

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

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

01851130 Replacement storage building – permission 27.01.1986

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

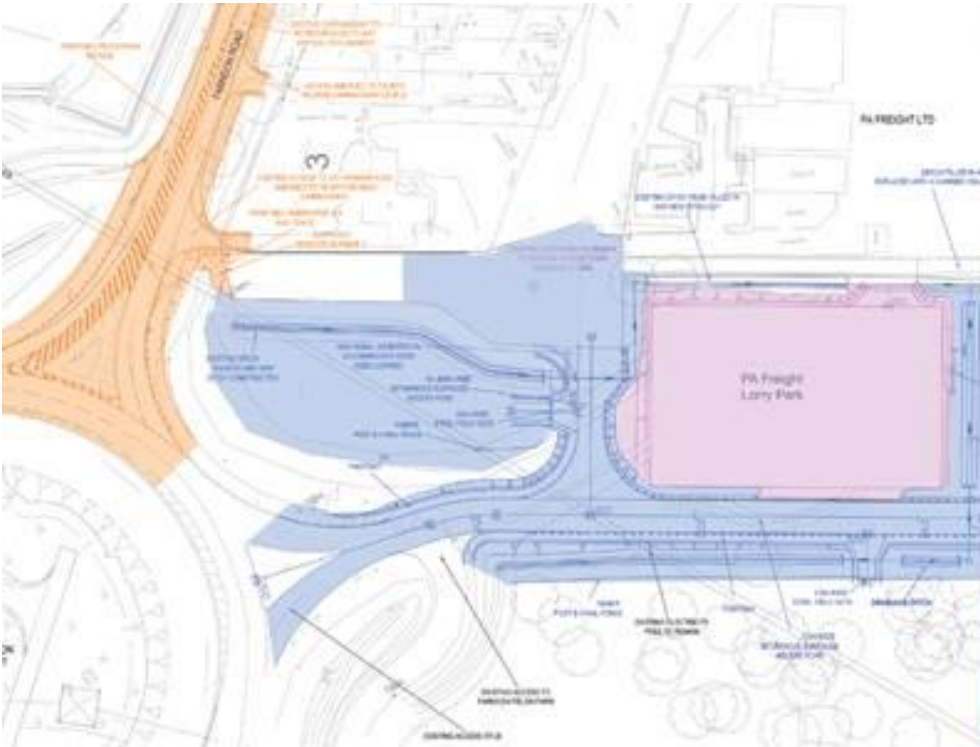
The Proposal

The application seeks full planning permission for the re-configuration of access arrangements to the existing freight yard and provision of new parking and turning area for commercial vehicles. The issue of a lorry park at this location has been a very long and complex issue, primarily as a result of the existing PA Freight access onto the B6166 being made unsafe by the construction of the new A46 Farndon Roundabout which has taken a number of years to resolve.

A report on this application (albeit prior to its conversion to a full planning application and the receipt of amended plans and an amended description of development) was previously considered at Planning Committee on 10 January 2012. The details of the proposed development have completely altered since this time and the proposal no longer includes the erection of commercial buildings. Planning Committee resolved to defer this decision in order to seek legal advice/ the outcome of a CPO Inquiry and to seek further clarity on proposed Highways Agency works particularly in relation to the potential that two separate lorry parks (as opposed to one) could be implemented if the application was to be approved. A further update report was considered by Planning Committee on 13 March 2012. TMembers resolved to approve the application however due to ongoing changes and legal issues associated with the development requiring resolution, this decision was never issued.

Whilst the submitted Planning Statement specifically makes no reference to any legal issues, it is understood that there is now an agreed approach between the Applicant and Highways England which has culminated in the submission of the latest set of revised plan/amended application. This report therefore focuses on the amended full application now proposed for determination with the updated documents submitted since May 2019.

The submitted Site Layout and Phasing Plan (extract copied below) provides a useful summary of the proposal as now proposed:



The **blue area** shows works that have been undertaken by Highways England to provide a new private means of access from the new A46 Farndon Roundabout to provide access for PA Freight, adjacent landowners and fields. The access directly onto the roundabout is now in use albeit I am aware of a temporary barricade is currently in situ towards the east of the access serving Cranleigh Park, 153A Farndon Road/and the proposed access to the new lorry park area.

The **purple area** is the works subject of the above planning application and relates primarily to the proposed new lorry park area (not yet constructed). I have been advised that the new area is required as the location of the access from the Farndon Roundabout means access to the existing lorry park area is not workable and such a new facility is being proposed to the south of the PA Freight site. The lorry park would be enclosed with a 2.1 metre high secure fence and gate to match the existing green fencing on the site. The Planning Statement confirms that a planting and landscaping scheme would be provided around the fence.

The **orange area** shows works proposed to be undertaken by Highways England using their Statutory Powers and would result in the closure of the existing unsafe PA Freight access onto the B6166 Farndon Road.

The final set of revised plans/documents (received since May 2019) include:

- Amended Application Form and Certificates (received 28.06.2019)
- General Layout and Phasing Plan A/PD0285/PAF/GD/500/021D (amended plan received 12.11.2019)
- Site Location Plan P19-LCL009-MT-DR-001 Version 2 (amended plan received 14.07.2020)
- Site Layout and Phasing Plan P19-LCL009-MT-DR 002
- Proposed Construction Details P19-LCL009-MT-DR-003 through to 007
- Proposed Lorry Park Longsection I-PD0285-PAF-SK-098
- Roundabout Comparisons P17-036-MT-T-XY-DR-G-09 REV P1
- Phase 1 Traffic Signs and Road Markings I PD0285 PAF P1 RM 500 001

- Phase 1 Pavement Works AB PD0285 PAF P1 PV 500 001 REV Rev B
- Phase 1 Kerbs, Footways and Paved Areas AB PD0285 PAF P1 PK 250 001 REV A
- Phase 1 Landscape Works AB PD0285 PAF P1 LD 500 001
- Phase 1 Contour Layout AB PD0285 PAF P1 GD 500 002
- Phase 1 General Arrangement AB PD0285 PAF P1 GD 500 001 REV A
- Phase 1 Fencing Works AB PD0285 PAF P1 FE 250 001 REV A
- Phase 1 Earthworks AB PD0285 PAF P1 EW 500 001 REV A
- Phase 1 Ducking and Services Layout AB PD0285 PAF P1 DU 250 001 REV B
- Phase 1 Drainage Works AB PD0285 PAF DR 500 001 REV B
- Preliminary Road Safety Review (Nov 2016)
- Stage 3 – Road Safety Audit (Feb 2019)
- Preliminary Ecological Assessment (Jan 2017)
- Preliminary Ecological Appraisal (Sept 2019)
- Reptile Survey Report (October 2019)
- Planning Statement (May 2019)
- Farndon Roundabout Amendments and PA Freight Flood Risk Assessment (Jan 2017)
- Drainage Design Strategy
- Screening Report (NB this application has been subject of a screening opinion under application ref: 19/SCR/00012 determined 01.07.2019 confirming that an EIA is not required).

Departure/Public Advertisement Procedure

This application has been publicised at numerous stages during the lifetime of the application. In relation to the most recent set of amended plans/document, occupiers of 26 properties have been individually notified by letter. A site notice in relation to the final revised scheme was posted 04.07.2019 and an advert was placed in the local press 04.07.2019.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy
 Spatial Policy 2 - Spatial Distribution of Growth
 Spatial Policy 3 - Rural Areas
 Spatial Policy 7 - Sustainable Transport
 Core Policy 6 – Shaping our Employment Profile
 Core Policy 9 - Sustainable Design
 Core Policy 10 - Climate Change
 Core Policy 12 – Biodiversity and Green Infrastructure
 Core Policy 13 - Landscape Character
 NAP1 – Newark Urban Area

Allocations and Development Management DPD (Adopted July 2013)

Policy NUA/OB/1 – Newark Urban Area – Open Breaks
 Policy DM4 – Renewable and Low Carbon Energy Generation
 Policy DM5 - Design

Policy DM7 - Biodiversity and Green Infrastructure
Policy DM8 – Development in the Open Countryside
Policy DM10 – Pollution and Hazardous Materials
Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)
Landscape Character Assessment SPD

Consultations

Newark Town Council:

Comments received 01.08.2019:

No objection.

Comments received 18.06.2019:

It was decided to submit a 'Holding Objection' to this application until:

- i) The outcome of the A46 dualling was known
- ii) The District Council has approved a position with regard to the provision of an 'Open Break' between Newark & Farndon.

Environment Agency:

Comments received 11.06.2020 (in reply to query by Officer in relation to required conditions):

It is difficult to condition anything off site. The mechanisms for offsetting the loss of floodplain is being dealt with by the wider A46 scheme and the site is linked to the compensation areas via a series of land drainage networks.

As such the flood risk officer has suggested that a condition worded along the lines of the below is included;

The development will be carried out in accordance with the approved FRA, letter from Highways England dated 20/05/2020 and email from Aecom dated 02/06/2020.

Comments received 10.06.2020:

We replied to a consultation request on the 5th December 2019 with specific information requested regarding the amount of infill on site and the impact this could have on the wider floodplain.

Since this reply was sent to the LPA we have been in regular contact with the flood risk consultant (Aecom) and Highways England as we were still concerned that, while there was an agreement to allow the infill and raising of the site there had not been an agreement for the total loss of this area of floodplain or details submitted which detailed how this loss could be compensated across the wider A46 scheme or offsite.

We have recently received confirmation from Highways England, via a letter dated 20th May 2020 that the loss of floodplain storage at this location would be offset through the surplus storage created in the ***“Flood Storage Compensation Areas previously agreed with the EA and constructed as part of the A46 Newark to Widmerpool highways scheme”***.

While we recognised that these compensation areas contained the required storage capacity we did raise concerns that these new flood storage compensation areas were not located within the same flood cell. Aecom were able to provide further confirmation that, while these two areas (the proposal site and the compensation areas) are located in different flood cells ***“there is a network of ditches, pipes and flood culverts that provide linkage between these areas, and accordingly, flood routing across the flood plain would allow the flood storage compensation areas to compensate for the lost flood volume”***.

Having reviewed these details in conjunction with the previously submitted FRA we are satisfied that the potential impacts associated with the proposed changes on site can be adequately mitigated.

Comments received 27.04.2020:

In short, we had concerns with the FRA originally (2016/17). As we had concerns, Aecom took a staged approach (outlined in red in the email below), with the first phase resulting in minor losses, and with a reasonable argument that these had been compensated for by the wider A46 scheme. The second phase of works (raising the PA Freight site) still requires separate consideration:

Stage 2 – Construction of a new lorry park for PA Freight and the removal of the old lorry park area. It is intended that these works will be constructed by the landowner and will be subject to a separate planning consent. (Phase 4 as detailed on drg. no. D0285/PAF/GD/500/21)

Comments received 05.12.2019:

We understand that the application is for the Re-configuration of access arrangements to existing freight yard and provision of new parking and turning area for commercial vehicles, and no additional permanent buildings/structures.

The FRA states that there will be 265 m³ infill as a result of this development and that there is already sufficient storage in the wider compensation areas for this level of infill. We supported this position in 2017, and there were plans at the time to demonstrate the infill volumes. We have reviewed the plans online, but none of the plans appear to be able to confirm that this is still the case. If the LPA could obtain this confirmation (that the infill will not exceed 265m³) from the applicant in a form of a drawing/plan then the proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

Condition: The development shall be carried out in accordance with the submitted flood risk assessment (January 2017, ref. PD0285/5.4/073, Compiled by Aecom) and the following mitigation measures it details:

- *Compensatory storage shall be in accordance with section 2.4.*

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason - To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

Highways England: Further to recent discussions regarding the PA Freight application, I have spoken to our Major Projects team who are responsible for the works being undertaken by Highways England. They have provided me with the following comments relating to the attached plan:

Orange area - Work in this area (i.e. realignment of Farndon Road) has not yet been completed by HE. This is because the supplementary side roads order (The A46 Trunk Road (Newark to Widmerpool Improvement and Slip Roads Supplementary (Side Roads) Order Number 2 2017) has yet to be confirmed by DfT who will not confirm until they have confirmation that the land owners are content with their new access arrangements. These access arrangements and associated agreements are being discussed by the affected landowners and will hopefully be concluded shortly. The order can then be confirmed and subject to not receiving any challenges, we can complete the work in the amber area.

The blue area is largely completed, just a couple of 'snagging issues' to sort out. The application relates to access and turning area/lorry park within the site. As Highways England are in the process of completing the access proposals (as above), the application as far as HE are concerned relates purely to the proposed lorry park, to which Highways England have no objections.

Historic England: The proposed development sits at or just off the apparent northern edge of the Farndon Fields Late Upper Palaeolithic site (an undesignated site of national archaeological importance). The Farndon Fields site was explored in work associated with the A46 project and subsequent investigations. The junction area was subject to archaeological field walking and follow-up trench investigations which suggested that the deposits associated with Late Upper Palaeolithic remains and the flint assemblages themselves extended just up to the south side of the junction.

The proposed haulage yard area lying south-east of the present junction may have been subject to some archaeological investigation at the time of the road scheme but the published A46 archaeological volume (A46 Nottinghamshire, Wessex Archaeology 2014) does not show trenches or fieldwalking results in this field (WA2014 figures 2.3 and 2.4 - was there additional work done either early in scheme development or subsequent to the main A46 scheme?), we note that the EIA scoping for the most recent junction re-adjustment by Highways England refers to the Farndon Late Upper Palaeolithic site but is not clear if this prompted any additional work on the present application area.

I therefore refer you to the expertise of your archaeological advisor and the records on the County Historic Environment Record as to whether sufficient work has been done to characterise the significance of remains in the application area such that risk to nationally important remains is well controlled and / or mitigatable through conditions to consent further to National Planning Policy Framework paragraphs 189, 190 and 199. The absence of flint in surface collection may reflect actual absence of activity or it may suggest remains are sufficiently well covered by later deposits that they are not coming up in the plough, hence an understanding of the soil sequence from borehole or test pit data may be necessary.

Historic England has concerns regarding the application on heritage grounds and refers you to expertise of your archaeological advisors in that regard.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 189, 190, 199 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Natural England: Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland and veteran trees](#) which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process.

We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Nottinghamshire Wildlife Trust:

Comments received 19.11.2019:

Thank you for sending over a copy of the Preliminary Ecological Appraisal (Deltasimons, September 2019) and Reptile Survey report (Deltasimons, October 2019). We have reviewed these reports and the updated plans available on the planning page in relation to the above application.

Overall we are happy with the survey effort undertaken this year for this site, although no specific water vole survey has been undertaken, as per our previous comments dated 2nd July 2019 we are satisfied the habitats on site are not suitable for this species, as the report states: *The drains at the Site do not offer suitable habitat for water vole* which is followed by further justification for the absence of this species.

We agree with the recommendations within both of the reports and strongly recommend the LPA secures these recommendations through suitability worded planning conditions including:

- A Construction Environmental Management Plan (CEMP) which should include a working methodology or Reasonable Avoidance Measures Statement (RAMS) for the species identified to be potentially present on site (reptiles, hedgehogs, badger, amphibians etc.) and include timings of works, hand searching etc., as well as measures to protect the River Devon LWS and Devon Grasslands LWS from any impacts during developmental activities.
- Invasive Species Management Plan – to control the horsetail on site and stop it spreading further.
- Bat and other wildlife friendly lighting scheme – this should include temporary lighting during development.
- Biodiversity enhancements and mitigation to include bat and bird boxes, refugia/hibernacula for reptiles/hedgehogs/amphibians, native species planting including wildflower areas where possible and native species hedgerow planting. These enhancements will help the site provide an overall net gain for biodiversity in line with the National Planning Policy Framework.

Comments received 02.07.2019:

Thanks for sending that over to us, after an initial review, this ecology report (AECOM, 2017) is also considered to be out of date as the report states surveys were undertaken at the site in 2016. The report also states:

*The constraints outlined here will need to be reassessed if there is a significant change to the site boundary or the type or scale of development proposed, or if there are any significant changes in the use or management of the land that would affect the habitats and species. **If a planning application is made two years or more after a PEA it is advisable to review and update the survey data.***

We therefore would still expect that an update Preliminary Ecological Appraisal is undertaken, with an update desk study and we would also expect the recommendations within this report to focus on providing a net gain for biodiversity. These recommendations for mitigation and net gain should be specific to the site, as the 2017 AECOM report only provides general limited opportunities for ecological enhancement.

The report also states that two species are considered to be a constraint to the development; water vole and grass snake. We would strongly recommend an update water vole survey is undertaken along the ditch as this survey data is also now considered to be out of date and the application site has connectivity to the River Devon and wider area (potentially containing water vole). Grass snake are a UK BAP species and could be present on site as the report states: *The site has low potential for supporting grass snakes, with the rotting hay bales found in the grassland on the east of the site providing basking, breeding and possible hibernation habitat for the species.* The report only mentions the movement of hay barrels potentially impacting grass snakes, but we consider any vegetation removal to also have an impact on grass snakes. This is a major concern to us and we would therefore expect a Reasonable Avoidance Measures Statement for reptiles to be produced for the site in order to minimise the risk of harm or killing grass snake and other reptiles during the site clearance and development works.

We previously noted the application is also located less than 100m from the River Devon LWS and Devon Grasslands LWS. The AECOM (2017) report states: *With the implementation of pollution prevention measures, the scale of the constraint to the development is assessed as Low.* We are concerned there are no specific pollution control measures within the report and would expect more detailed measures to be put in place to prevent any adverse effects to the Local Wildlife Sites. We strongly recommend a Construction Management Plan is created for the development which details methodology of preventative measures and protection of the Local Wildlife Sites.

Comments received 01.07.2019:

We note there is no up to date ecology surveys for this application, with the last extended Phase 1 habitat survey undertaken in 2014 by Landscape Science Consultancy Ltd.

We would expect that an update Preliminary Ecological Appraisal is undertaken prior to the determination of any planning decision and any recommendations within the report should focus on providing a net gain for biodiversity, as stated within the latest revision of the NPPF (Feb, 2019).

The application is also located less than 100m from the River Devon LWS and Devon Grasslands LWS, the previous ecology report noted that there would be no impacts on the LWS. As the LWS sites are within 100m of the application we would strongly recommend the update report also provide precautionary measures to minimise the impact to the LWS's of the any development activities during the construction phase i.e. dust suppression.

NCC Highways:

Comments received 20.11.2019:

As discussed here is a condition suggestion:

No part of the development hereby permitted shall be brought into use until the existing site access off Farndon Road that has been made redundant as a consequence of this consent is permanently closed and the access crossing reinstated as verge/footway in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

Note to applicant:

The access reinstatement works on Farndon Road referred to in the conditions involve work on the highway and as such require the consent of the County Council. Please contact the County Council's Agent, Via East Midlands to arrange for these works to be carried out. Email: licences@viaem.co.uk Tel. 0300 500 8080 and further information at: <https://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

Comments received 15.07.2019:

I refer to the latest submissions dated May 2019. Apart from ensuring the closure of the original PA Freight access off Farndon Road, this application has negligible impact on the public highway network that falls under the responsibility of this Authority. The access is taken from the A46 which is the responsibility of Highways England. Therefore, no objections are raised to this application.

NCC Lead Local Flood Authority: Having considered the scale of this application the LLFA believes it is not required to respond to this application, as such, we will not be making any bespoke comments.

However as a general guide the following points are recommended for all developments:

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

NSDC Archaeology Advisor:

Comments received 09.08.2019:

I was aware that extra Palaeolithic investigations had taken place on this site and that the results showed that potential of the site was low but I had not seen the full report.

I had spoken to Historic England and although Tim was not aware of this extra work he was happy to take the lead from me on this particular site, which is why the response was worded as it was.

This application required no further archaeological input.

Comments received 10.07.2019:

This site was archaeologically investigated as part of the A46 scheme and was found to contain little archaeological potential. No archaeological input required.

NSDC Environment Health Officer: No objections.

Two letter of representation have been received from neighbouring properties. Main issues raised include:

- Works have commenced during lockdown;
- Impact of nonporous surface on flooding;
- The area on the plan includes parts of land that PA Freight do not own;
- Parking of vehicles causes issues in relation to overnight parking (rules not adhered to), exhaust emissions, rubbish, invasion of privacy, lights used in unsociable hours.
- Conditions should be attached requiring no overnight parking as per 07/00848/FUL and no outside storage.

Comments of the Business Manager

Principle of Development

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

Whilst the existing PA Freight buildings are located within Newark Urban Area, the development subject of this application (whilst serving these buildings) is located within the 'Open Break' allocation between Newark Urban Area and Farndon (as confirmed by the Newark South Proposals Map).

Policy NUA/OB/1 is clear that where land is allocated as an Open Break, *'planning permission will not normally be granted for built development'*. The Open Break designations included within Policy NUA/OB/1 have contributed towards defining the structure and form of the Newark Urban Area, being formed by predominantly open land they separate different settlements and maintain distinctions between them. Consequently the designations help maintain the identity and distinctiveness of different areas, protecting the character of those smaller settlements in close proximity to the Newark Urban Area. The designations have been and remain integral to the promotion of a sustainable pattern of growth in the Newark Urban Area. The aim of the Open Break is not simply to sterilise large tracts of otherwise developable land. Rather it represents a key strategic policy intervention, which contributes towards the promotion of a sustainable pattern of development in and around the Newark Urban Area.

In this case, there is no built development in the form of buildings being proposed on the application site. The application site already contains additional road infrastructure provided by the Highways Agency under their statutory powers. The proposed replacement/additional lorry park area would be located between the newly created access road off the Farndon roundabout and the site itself. As such, the application site's appearance and an open and undeveloped parcel of land has already been interrupted. It is proposed that the existing lorry park/paved areas adjacent to the Farndon Road access be broken up and returned to field once works to block this access permanently have been completed which provides a degree of compensation for the additional land take now proposed. Whilst the proposed lorry park area is larger than the area it would replace, it is not considered that given its siting and transient nature of vehicle to be parked on this land that the proposal would reduce the separation and identities of the two settlements either side of the Open Break.

In addition, Policy DM8 is relevant to development on sites in the open countryside and strictly controls and limits it to certain types of development. One of these types of development relates to employment uses with the policy confirming that, the proportionate expansion of existing businesses will be supported where they can demonstrate an ongoing contribution to local employment. The supporting text to this policy states that this policy is not intended to allow the unlimited expansion of existing businesses. Core Policy 6 states that development sustaining and providing rural employment should meet local needs and be small scale in nature to ensure acceptable scale and impact. The visual or operation impacts may at some point outweigh the benefits of the expansion.

This approach is supported in the NPPF which states that significant weight should be placed on the need to support economic growth through the planning system.

The Planning Statement states that the 'PA Freight business has been severely negatively impacted by the construction of the new A46 dual carriageway and Farndon Roundabout. The location of the newly constructed roundabout meant that large oversized HGV vehicles could not safely gain access into the site from the A46 and as such the business was not able to operate a lot of their lucrative 'oversized' logistics contracts'. The proposed lorry park area would enable the expansion of the business to allow such contracts to be accepted to help sustain and secure the business/employment for the future.

Overall, I consider the proposal to represent the proportionate expansion of an existing business and represents the provision of sustainable employment in the open countryside whilst not conflicting with the aims of the open break designation in accordance with Policies NUA/OB/1 and DM8 of the DPD and Core Policy 6.

Impact on Visual Amenity

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

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

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

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

As stated in relation to the open break issue addressed in the section above, the proposed lorry park (and associated infrastructure) would be situated between the existing commercial buildings and newly constructed access road which means that the landscape setting in the immediate vicinity has already been fragmented by the modern A46. Moreover, the use of hardstanding maintains the overall sense of spaciousness, ensuring that the neutral impact on the surrounding landscape. A landscaping scheme would be required by planning condition to ensure that the proposed lorry park is screened as much as possible. In addition, any permanent storage of raw materials, equipment, finished products or waste materials will be prevented by planning condition.

Overall, it is considered that the proposal would result in any adverse impact upon the character of the area in accordance with Core Policy 13, Policies NUA/OB/1 and 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 Highways Officer raises no objection to the proposal given interventions by Highways England which has resulted in the proposal now being considered. In addition, the aim of the proposal is to provide improved parking facilities associated with the PA Freight business. Overall, the proposed is considered to comply with the highways requirements of Policy DM5.

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. There are a number of nearby residential properties that could be affected by the proposed development. It is not considered that the proposed changes to the site layout would result in any material adverse increase in noise or disturbance for existing dwellings by virtue of the existing use of the wider site, proximity of the A46 and separation distances present. However, it is acknowledged that potential for noise disturbance may be greater at night. The previous application for the temporary parking area on site (as per application 07/00848/FUL) albeit relating to a smaller parking area closer to the north boundary of the site imposed a condition stating *'there shall be no parking of vehicles on the site between the hours of 1830 and 0800' in the interest of the amenity of nearby residents'*.

A similar condition specifying *'There shall be no parking of vehicles in the 'replacement turning and parking area' between the hours of 1830 and 0800'* was also previously recommended to Planning Committee when this application was previously considered by Members in March 2012 (prior to the amendment of the application).

However, the Agent has since advised that 'a condition to prevent the parking of lorries on a lorry park overnight is completely unreasonable and unsafe. The Traffic Commissioner strictly enforces the hours a lorry driver / business can operate vehicles on the public highway and they need to be off the public highway at night at their depot or another safe designated location - in accordance with their operator's licence'.

Parked lorries do not generate noise. However, comings and goings including door opening and closing plus engines revving do. As such, it is proposed to amend this condition so that certain activities are prohibited at night including vehicle engines or other mechanical equipment left running when vehicles are stationary, vehicle reversing, vehicle loading or unloading, overnight occupation of vehicles.

It is also considered that the final phase (orange) of the Highways England works would improve the current levels of amenity experienced by the dwellings fronting Farndon Road, as blocking up of this access would move the traffic which previously used this route further away from their boundaries.

Subject to these conditions and conditions relating to construction working hours and details of lighting, it is not considered that that an unacceptable impact on amenity would result in accordance with the aims of the NPPF and Policy DM5 if the DPD.

Impact on Ecology

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.

The application is accompanied by an up to date Preliminary Ecology Appraisal. The surveys recommend a number of mitigation/enhancement measures relating to construction outside of bird breeding season, lighting, landscaping, pre-commencement checks for presence of species. It also recommends a more detailed Reptile Survey be undertaken which has been submitted separately and concludes that 'no reptiles were found during the seven survey visits conducted, such that it is considered likely that reptiles are absent from the Site'. A precautionary approach is however recommended during construction.

Nottinghamshire Wildlife Trust raised no objection to the proposal subject to conditions requiring a Construction Environmental Management Plan (CEMP) which should include a working methodology or Reasonable Avoidance Measures Statement (RAMS) for the species identified to be potentially present on site (reptiles, hedgehogs, badger, amphibians etc.) and include timings of works, hand searching etc., as well as measures to protect the River Devon LWS and Devon Grasslands LWS from any impacts during developmental activities, an Invasive Species Management Plan, a Bat and other wildlife friendly lighting scheme and Biodiversity enhancements and mitigation to include bat and bird boxes, refugia/hibernacula for reptiles/hedgehogs/amphibians, native species planting including wildflower areas where possible and native species hedgerow planting.

Overall, it is considered unlikely that any adverse ecology impacts would result from the proposal in accordance with Core Policy 12 and Policies DM5 and DM7 of the DPD.

Impact on Contaminated Land

NPPF paragraph 121 states that planning decisions should ensure that the proposed site is suitable for its new use taking account of ground conditions, including pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. Policy DM10 of the DPD also states that where a site is highly likely to have been contaminated by a previous use, investigation of this and proposals for any necessary mitigation should form part of the proposal for re-development. The Environmental Health Officer has confirmed that the proposal is very low risk given that it proposes new parking and turning areas which would break any human health contaminant pollutant linkages. The proposal would therefore comply with the aims of the NPPF and Policy DM10 of the DPD.

Impact on Flood Risk and Drainage

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

The site is located within Flood Zones 2 and 3 and is therefore a site at risk of flooding (medium - high probability). In flood vulnerability terms, I consider the proposal to fall into the 'less vulnerable' use category where development is appropriate in Zone 2 and 3.

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 would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. A Flood Risk Assessment has been submitted with the application and concludes that 'the levels of the proposed access and replacement lorry park have been raised to ensure they are above the 1:20 year flood level' in accordance with advice received from the Environment Agency.

The submitted documents also confirm that 'the replacement access Phase 1 works which have been constructed by Highways England are positively drained via combined kerb drainage units and linear drains. An attenuation ditch with downstream orifice plate control is provided to reduce discharge into the receiving watercourse to acceptable levels. The outfall from the proposed drainage system is into an existing ditch, which outfalls by means of a flap valve into the River Devon. No new outfall or alterations to the current provision into the River Devon are proposed. The drainage design has allowed for the contributing area from the anticipated replacement lorry park and allows a point for connection of its drainage. A Class 1 Bypass Separator is provided for the replacement lorry park, to capture any hydrocarbons deposited by the parked heavy goods vehicles'.

Extensive negotiations have taken place between the Environment Agency, Highways England and AECOM (the Applicants flood risk engineer) regarding the issue of flood compensation storage during the lifetime of the full application (summarised in the Consultations section above). The EA raise no objection to the application subject to implementation of the development in accordance with the FRA (which can be required by planning condition) and information received from Highways England.

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.

Conclusion

The proposal relates to the expansion/reconfiguration of an existing business within the Farndon Open Break due to the existing PA Freight access onto the B6166 being made unsafe by the construction of the new A46 Farndon Roundabout which has taken a number of years to resolve. The proposal represents the proportionate expansion of an existing business and provides sustainable employment in the open countryside whilst not conflicting with the aims of the open break designation.

The expansion would also support the local economy in a proportionate manner. Subject to conditions, the proposal would not result in any adverse impact upon visual amenity, flood risk, ecology, archaeology, residential amenity or highway safety. It is therefore recommended that the application is approved, subject to appropriate conditions.

RECOMMENDATION

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

01

The development hereby permitted shall 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:

- General Layout and Phasing Plan A/PD0285/PAF/GD/500/021D (amended plan received 12.11.2019)
- Site Location Plan P19-LCL009-MT-DR-001 Version 2 (amended plan received 14.07.2020)
- Proposed Construction Details P19-LCL009-MT-DR-003 through to 007
- Proposed Lorry Park Longsection I-PD0285-PAF-SK-098

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

03

No part of the 'proposed new PA Freight Lorry Park' hereby permitted as shown on Drawing No A/PD0285/PAF/GD/500/021D shall be brought into use until the existing site access off Farndon Road that has been made redundant as a consequence of this permission is permanently closed and the access crossing reinstated as verge/footway in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

04

No new external lighting shall be erected on site as a result of the development hereby approved unless details of the lighting have first been submitted to and approved in writing by the Local Planning Authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution and hours of operation. The lighting shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development.

Reason: In the interests of visual and residential amenity.

05

No development shall be commenced in respect of the 'proposed new PA Freight Lorry Park' hereby permitted as shown on Drawing No A/PD0285/PAF/GD/500/021D until a Construction Environmental Management Plan (CEMP) and timetable has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- i. a working methodology or Reasonable Avoidance Measures Statement (RAMS) for the species identified to be potentially present on site (reptiles, hedgehogs, badger, amphibians etc.) and include timings of works, hand searching etc., as well as measures to protect the River Devon LWS and Devon Grasslands LWS from any impacts during developmental activities.
- ii. the parking of vehicles of site construction workers and visitors;
- iii. loading and unloading of plant and materials;
- iv. storage of plant and materials used in constructing the development specifically avoiding root protection areas of any retained trees;
- v. Bat and other wildlife friendly temporary lighting during construction.
- vi. measures to control the emission of dust and dirt during construction;

All works shall be carried out in accordance with the approved details and timetable.

Reason: In the interests of enhancing the biodiversity of the area in accordance with the aims of the NPPF, Core Policy 12 and Policies DM5 and DM7 of the DPD.

06

No development shall be commenced in respect of the 'proposed new PA Freight Lorry Park' hereby permitted as shown on Drawing No A/PD0285/PAF/GD/500/021D until an Invasive Species Management Plan to control the horsetail on site and stop it spreading further has been submitted to and approved in writing by the Local Planning Authority. The invasive species should then be removed from the site as detailed within the plan prior to first use of the lorry park hereby approved.

Reason: In the interests of enhancing biodiversity in line with the requirements of the Development Plan, the NPPF and in line with the recommendations of the Extended Phase 1 Habitat Survey dated April 2019 by Rachel Hacking Ecology.

07

No development shall be commenced in respect of the 'proposed new PA Freight Lorry Park' hereby permitted as shown on Drawing No A/PD0285/PAF/GD/500/021D until a detailed biodiversity mitigation and enhancement strategy which draws upon the recommendations set out in the submitted Preliminary Ecological Appraisal (Sept 2019) and Reptile Survey (Oct 2019) prepared by Deltasimons has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include full details of the quantum, siting design of proposed bat and bird boxes, refugia/hibernacula for reptiles/hedgehogs/amphibians and native species planting including wildflower areas where possible and native species hedgerow planting. The strategy shall be installed prior to first use of the lorry park hereby approved and thereafter maintained in accordance with the approved strategy.

Reason: In the interests of maintain and enhancing biodiversity in accordance with the aims of the NPPF, Core Policy 12 and Policy DM7 of the DPD.

08

No site clearance including any tree works or vegetation clearance shall take place during the bird nesting period (beginning of March to end of August inclusive).

Reason: To ensure that adequate provision is made for the protection of nesting birds on site in accordance with the aims of the NPPF, Core Policy 12 and Policy DM7 of the DPD.

09

No development shall be commenced in respect of the 'proposed new PA Freight Lorry Park' hereby permitted as shown on Drawing No A/PD0285/PAF/GD/500/021D shall be commenced until full details of both hard and soft landscape works including the 'existing paved area to be broken out and returned to a field' have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction.
- means of enclosure;
- pedestrian access and circulation areas;
- hard surfacing materials.

Reason: In the interests of visual amenity and biodiversity in accordance with the aims of the NPPF and Core Policies 9 and 12 of the Core Strategy and Policy DM7 of the A&DMDPD.

10

The approved landscaping (required by the condition above) shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity in accordance with the aims of the NPPF and Core Policies 9 and 12 of the Core Strategy and Policy DM7 of the A&DMDPD.

11

Construction works and deliveries in association with the construction of the development shall not take place outside 07:30 hours to 18:00 hours Mondays to Fridays and 07:30 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To protect the amenity of occupiers of nearby properties from noise and disturbance in accordance with the aims of the NPPF and Policy DM5 of the DPD.

12

The development shall be carried out in accordance with the submitted flood risk assessment (January 2017, ref. PD0285/5.4/073, Compiled by Aecom), the letter from Highways England (to David Wooley, EA) dated 20/05/2020 and email from Aecom dated 02/06/2020.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

13

Within the 'proposed new PA Freight Lorry Park' hereby permitted as shown on Drawing No A/PD0285/PAF/GD/500/021D the following activities are prohibited between the hours of 18:30 and 07:00:

1. vehicle engines or other mechanical equipment left running when vehicles are stationary
2. vehicle reversing
3. vehicle loading or unloading
4. overnight occupation of vehicles
5. storage of raw materials, equipment, finished products or waste materials

Reason: In the interests of the amenity on neighbouring dwellings and to protect the open break.

Note to Applicant

01

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

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

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03

The access reinstatement works on Farndon Road referred to in the conditions involve work on the highway and as such require the consent of the County Council. Please contact the County Council's Agent, Via East Midlands to arrange for these works to be carried out. Email: licences@viaem.co.uk Tel. 0300 500 8080 and further information at: <https://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

BACKGROUND PAPERS

Application case file including:
Committee Report January 2012
Committee Report March 2012
Committee Minutes March 2012

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

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

Lisa Hughes
Business Manager – Planning Development