

## PLANNING COMMITTEE – 18 JANUARY 2022

<b>Application No:</b>	<b>21/02396/S73</b>		
<b>Proposal:</b>	<b>Application to remove condition 8 of planning permission 19/00208/FUL to allow the takeaway of hot food</b>		
<b>Location:</b>	<b>The Rustic Crust Pizzeria, Main Street, Farnsfield, NG22 8EF</b>		
<b>Applicant:</b>	<b>Mr Ross Oliver</b>		
<b>Registered:</b>	<b>18.11.2021</b>	<b>Target Date: 13.01.2022</b>	
		<b>Extension agreed to: 21.01.2022</b>	
<b>Link to Application File:</b>	<a href="#">21/02396/S73   Application to remove condition 8 of planning permission 19/00208/FUL to allow the takeaway of hot food (19/00208/FUL - Change of use of former Co-op Retail Store (A1) to Pizza Restaurant, Cafe Bar (A3 &amp; A4) including interior and exterior alterations and refurbishments, new shopfront and new access door to courtyard.)   The Rustic Crust Pizzeria, Main Street, Farnsfield, NG22 8EF (newark-sherwooddc.gov.uk)</a>		

**This application is being referred to members of the Planning Committee for determination as the application relates to the removal of a condition that was originally requested by the Planning Committee.**

### The Site

The site is located within the defined local centre of Farnsfield and within the Conservation Area as defined by the Allocations and Development Management DPD. The south-western corner of the site lies within Flood Zone 3 as defined by the Environment Agency Flood Map and includes the remainder of the site that is devoid of built form.

The building formerly operated in the former A1 use class (retail) and was previously used as a Co-Op convenience store before this relocated further east along the Main Street. The unit is currently operating as The Rustic Crust Pizzeria (former A3 & A4 use, now use classes E(b) and sui generis) and lies to the south of Main Street towards the western side of the defined local centre. Across the highway to the north is a collection of retail units; to the South West is a residential property, 'Janik'. Adjoining the application site to the east is a Grade II listed residential property. The premises is surrounded by residential and mixed use buildings with an industrial unit to the rear.

### Relevant Planning History

**19/00208/FUL** – Change of use of former Co-op Retail Store (A1) to Pizza Restaurant, Cafe Bar (A3 & A4) including interior and exterior alterations and refurbishments, new shopfront and new access door to courtyard – Permitted 29.08.2019 and conditions discharged under 19/02151/DISCON.

**19/02148/ADV** – Hand painted fascia sign, signage board and projecting sign – Permitted 30.01.2020

## The Proposal

The application is a Section 73 application submitted to request the removal of Condition 08 attached to planning permission 19/00208/FUL to remove the restriction on the takeaway of hot food. The original application approved the conversion of the retail unit to a Pizza restaurant, café and bar.

Condition 08 reads:

*There shall be no ancillary hot food take away operated from this site unless planning permission has first been granted for such use by the local planning authority.*

*Reason: In the interest of highways safety*

The supporting statement explains that the Pizzeria opened 10 days before the first Covid-19 lockdown in March 2020 but managed to keep trading under the guidance from the government which allowed restaurants to operate takeaway options, in order to sustain local businesses and the economy, until March 2022 temporarily overriding any planning restrictions that may have been in place. During the pandemic the supporting statement explains the business had an 'App' developed which allowed customers to view the full menu online, order and pay securely by card, book a collection timeslot and collect upon arrival with minimal, if any time, remaining on site. The App allows the business to ensure the restaurant doesn't become overcrowded with collection customers, ensures there are no traffic and congestion problems as time slots are spaced appropriately and only bookable in advance, order sizes and numbers can be policed in real time and that takeaway is only permitted by pre-booking with collection times that can be controlled.

During the pandemic collection takeaway times were limited to Wednesday-Saturday 4:30-8:30pm, with 10-15 minute collection timeslots and the business took an average of 10 takeaway orders a night.

Permission is sought to remove condition 08 to allow the business to continue operating this ancillary takeaway function of the business due to continuing local demand. The supporting statements explains that the intention is for the takeaway function to be ancillary to the principal restaurant/café use of the building. The percentage of sales from takeaway has been, on average, less than 10% of monthly sales (October 5%, Sept 7%, August 12%, July 7%), which is anticipated to continue.

The restaurant currently only opens Wednesday-Saturday but as Friday and Saturdays are peak restaurant trading days the takeaway function is currently only usually operated on Wednesdays and Thursdays. The applicant has explained that the takeaway options allows the business to continue to trade/operate on quieter days and in any event, given the size of the premises, number of staff and cooking facilities, they are limited to making and cooking on a certain number of pizzas at any one time. The premises can cater for a maximum of 80 covers (60 inside and 20 outside) under normal circumstances and the takeaway app opens up approx. 14 collection slots per day. The intention is to continue to operate with an ancillary takeaway function to support the main restaurant/café business.

## Departure/Public Advertisement Procedure

Occupiers of 46 properties have been individually notified by letter, a site notice has been displayed close to the site and an advert has been placed in the local press.

Earliest decision date: 15.12.21

## **Planning Policy Framework**

### **The Development Plan**

*Farnsfield Neighbourhood Plan (made 28 September 2017)*

FNP4 - Local Employment Opportunities

FNP5 - Creating A Thriving Parish

*Newark and Sherwood Amended Core Strategy Adopted 2019*

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 – Spatial Distribution of Growth

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 6 – Shaping our Employment Profile

Core Policy 8 – Retail Hierarchy

Core Policy 9 - Sustainable Design

Core Policy 14 – Historic Environment

*Newark and Sherwood Allocation and Development Management DPD, adopted 2013*

Policy DM5- Design

Policy DM7- Biodiversity and Green Infrastructure

Policy DM8 – Development in the Open Countryside

Policy DM9- Protecting and Enhancing the Historic Environment

Policy DM12- Presumption in Favour of Sustainable Development

### **Other material planning considerations**

National Planning Policy Framework 2021

Planning Practice Guidance 2014

### **Consultations**

**Farnsfield Parish Council** – Object – “The Planning Committee discussed this application in detail. The Committee do have concerns that the application does not meet the aims outlined in the Farnsfield Neighborhood plan with respect to traffic and parking. The Neighborhood plan outlines that applications can only be supported if they do not adversely impact on the availability of parking.

The Committee have concerns that the takeaway facility could adversely impact on the availability of car parking for residents within the village as well as concerns that this application could increase inconsiderate parking and encourage additional traffic into the village.

The Planning Committee would strongly recommend that the Highways team are consulted in this application to be able to estimate the effect this application may have on the traffic and parking within Farnsfield and recommend accordingly.

As a committee we request that the current temporary take away license be extended rather than a permanent removal of condition 8 of the original planning permission. This will allow for the Council to monitor how the takeaway service effects the traffic and parking, as the traffic returns to “normal” after the Covid Pandemic, before making a decision if this should be a permanent take away premises.”

**NCC Highways** – Concerns Raised – “The Highway Authority understand this is an application to remove Condition 8 of planning permission 19/00208/FUL to allow the takeaway of hot food at The Rustic Crust Pizzeria on Main Street in Farnsfield.

By way of background, the Highway Authority advised that the original application be refused because, *“The proposed development fails to make adequate provision for the parking of any vehicles within the site curtilage resulting in an increase in the likelihood of danger to other users of the highway due to the likelihood of vehicles being parked on the public highway and surrounding area to the detriment of highway safety.”* Despite this, the application was approved, but Condition 8 was imposed in the interests of highway safety.

It is accepted that this business begun operating just before the commencement of the COVID-19 pandemic and has in fact been operating a takeaway function as result of government relaxations when they have not been able to operate as a sit-down restaurant and have continued to do so once restrictions permitted the reopening of the restaurant. However, this ability to offer a takeaway function ceases in early 2022 unless Condition 8 is removed.

It should be acknowledged however that this is and has been an extraordinary event and is by no means the norm, and as such traffic levels have reflected this.

In terms of assessing this application, consideration has to be given to the business operating at full capacity as both a sit down restaurant, alongside a takeaway function both of which will generate parking demand albeit for different durations.

Main Street is subject to some parking restrictions albeit not in front of this business. However, no parking is permitted on the other side of the carriageway Monday-Saturday 0800-1800hrs plus there is junction protection (no parking at any time) at the junctions of New Hill and Tippings Lane.

The business itself has no onsite parking, so any staff or customers which require parking park on street. The surrounding properties are a mixture of residential and commercial premises with those accessed from Main Street with limited opportunities for on-site parking. Given the site’s location within Farnsfield, clearly there are opportunities for customers to arrive on foot, however, when it comes to takeaway food it is considered usual to collect your food by vehicle, to ensure its still hot to eat when you get home with it.

As such, the Highway Authority have reservations about supporting the removal of Condition 8, in a location which would result in an increase in on street parking, where there is already existing demand from the business in its current form and its neighbours together with restrictions already limited opportunities to do so, without the submission of any empirical evidence to demonstrate that the additional demand generated by a permanent takeaway function could be accommodated, without adversely affecting the safe, and satisfactory operation of the adjacent highway network.”

**Environmental Health** – No comments to make.

**NSDC Conservation** – No comments to make.

**Comments have been received from 3 interested parties/local residents that can be summarized as follows:**

## **Support: 2**

- Since Rustic Crust opened it has provided a very good family dining service for the village and it should be able to continue to provide a takeaway service in the future. Unlike other types of fast food outlets takeaway pizzas do not create any litter in the vicinity of the restaurant and the ability to eat at home is helpful for families with young children and also with mobility problems.

## **Object: 1**

- There is no spare parking on Main Street (photo appendix included) and parking has deteriorated on the street since the restaurant opened. Customers will double park, park on double yellow lines and block driveways just to collect their takeaway.
- The Survey commissioned by the business in 2019 shows that there is no parking during the early evening.
- NCC Highways objected to this proposal in 2019 but pizza was prioritized over safety.
- Management and staff of the Rustic Crust occupy 3 valuable spaces on the High Street during opening hours. It is very likely that this will increase if permission was granted.
- There is currently a committee/working party on Farnsfield Parish Council to try to improve the parking problem. This will exacerbate the problem and the parking situation in Farnsfield will never improve.

## **Comments of the Business Manager**

The NPPG acknowledges that Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area, thus providing a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

Following public consultation and independent examination, at its council meeting on 28 September 2017 Newark and Sherwood District Council adopted the Farnsfield Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Farnsfield. In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of the proposal in the assessment below.

### *Principle of Development*

An application under Section 73 is in effect a fresh planning application but should be determined in full acknowledgement that an existing permission exists on the site. This Section provides a different procedure for such applications for planning permission, and requires the decision maker to consider only the question of the conditions subject to which planning permission was granted. As such, the principle of the approved development cannot be revisited as part of this application.

An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. In determining such an application the local planning authority is only able to consider the question of the conditions subject to which planning permission should be granted, and—

- (a) if the authority decides that planning permission should be granted subject to conditions

differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the authority shall grant planning permission accordingly, and

- (b) if the authority decides that planning permission should not be granted subject to the same conditions as those subject to which the previous permission was granted, the authority shall refuse the application.

The NPPF is clear that any new permission should set out all conditions related to it unless they have been discharged and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission.

Whilst the application has defined which conditions are sought to be varied, the local authority has the power to vary or remove other conditions if are minded to grant a new planning consent.

Full planning permission was granted in August 2019 subject to a number of conditions (some of which have been discharged). The condition to be removed in this application is number 08 to remove the restriction of ancillary hot food takeaway as explained in the description of the proposal. The justification for the removal of this condition is fully explained in the description of the proposal section. On the basis of the information supplied by the applicant it is considered that the takeaway use proposed would be ancillary to the main restaurant and café business/use, representing around 10% of their overall sales and therefore would not require consent in its own right for sui generis hot food takeaway use.

In assessing the impact of the removal of this condition the main considerations are the impact the removal of the condition would have on Amenity and Highways Safety.

#### *Impact on Amenity*

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

In assessing the principle of the restaurant/café use it was determined that subject to compliance with the details submitted to accompany the application in respect of noise and odour abatements and restrictions to the external seating area opening times that there would be no adverse impact on the amenity of nearby residents.

The scope of this application would essentially see the business continuing to operate as it has done since March 2020 (under the flexible business guidance issued by the government during the pandemic restrictions). There have been no complaints of nuisance related to this premises but nevertheless, it is not considered that people attending the site to collect pre-ordered and pre-paid food would result in any greater disturbance over the existing authorised restaurant use. It is therefore considered that the removal of this condition would not result in any conflict with the abovementioned policies in respect of amenity impact.

#### *Highways Safety*

Spatial Policy 7 or the Core Strategy and Policy DM5 of the ADMDPD, along with the NPPF make clear the requirements for development to ensure safe and inclusive access, and to make parking

provision appropriate to the scale of development. Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems.

It is noted that the Planning Committee resolved to grant permission for the restaurant/café use at this site contrary to the officer recommendation, which was to refuse permission on highway safety grounds. During the assessment of the previous application the Highways Authority objected to the proposal on the grounds that the proposal failed to make adequate provision for the parking of any vehicles within the site curtilage which would result in an increase in the likelihood of danger to other users of the highway due to the likelihood of vehicles being parked on the public highway and surrounding area to the detriment of highway safety. Whilst consideration was given to the fallback position that the building could operate in retail use in the Committee Report, a recommendation of refusal was offered in light of the Highways objection.

However, at the planning committee meeting of 6<sup>th</sup> August 2019, Members came to a different view. They noted that the current use of the building was retail (former A1 use) which had no on-site parking provision and that this could resurrect without planning consent attracting significant vehicular movements and on-street parking pressures. Members referred to the local (public) car parking facilities available along Main Street and in the surrounding area and highlighted that many patrons would likely be local and could also walk to the venue. Concerns were however raised over the potential safety issues that could arise from people parking up on the street directly outside to collect takeaways and thus a condition was imposed to restrict this as an ancillary function in the interest of highways safety.

The applicant has put forward the case that customers have been able to collect takeaways during the pandemic for over 1 year now with no highway safety incidents arising. There have been no reports of nuisance from collections which they put down to customers being directed to local car parks on their website etc. and collection being only by pre-order, pre-payment and during an allocated slot to minimise the time spent on the site.

I note that the Parish Council have objected to this proposal and have raised concerns that the application does not meet the aims outlined in the Farnsfield Neighborhood Plan (FNP) with respect to traffic and parking. The Parish Council state that the *“neighborhood plan outlines that applications can only be supported if they do not adversely impact on the availability of parking”*. The FNP states that development will only be supported where it *“would not adversely impact on the availability of public car parking within the village”* (my emphasis added) and goes on to advocate for development proposals making parking facilities available outside of operating hours for residents. It is not considered that the proposal at hand would have any physical impact on the availability of the public car park areas within the village (noting that this policy does not relate to parking on the highway), whilst customers would be encouraged to use the public car park further up the Main St, this would not impact the availability of the car park as a resource.

The Parish Council have also stated that the *“current temporary take away license [should] be extended rather than a permanent removal of condition 8 of the original planning permission [... to] allow for the Council to monitor how the takeaway service effects the traffic and parking, as the traffic returns to “normal” after the Covid Pandemic, before making a decision if this should be a permanent take away premises.”* However, it is noted that the ability for restaurants to operate temporary takeaway use during the pandemic was not a decision made by the District Council but a decision made by the government to support local economies and businesses – this is due to end in March 2022 and the District Council cannot extend this.

The proposal is to continue with the ancillary takeaway function as a true ancillary element of the business and to continue to encourage customers to park in the local public car parks when

visiting the site to minimise on-street parking and disturbance. Collection would continue to be by pre-booking and payment only which would overall limit the amount of visitors per sitting.

The Highway Authority (HA) have provided some comments on this application and have raised concerns. They advise that whilst the business may have been able to operate a takeaway function without traffic concerns in the recent past, the pandemic has been an extraordinary event, and is by no means the norm, with traffic levels that reflect this. The HA note that this application should be assessed based on the business operating at full capacity as both a sit down restaurant, alongside an ancillary takeaway function (both of which will generate parking demand, albeit for different durations). The HA conclude that they have reservations about supporting the removal of Condition 8, in a location which would result in an increase in on street parking (where there is already existing demand from the business in its current form and its neighbours together with restrictions already in place) where there are limited opportunities to do so.

Whilst the HA does not formally object to the proposal, Officers are mindful of the concerns they have raised, however equally must consider the previous decision made by the Planning Committee, the weight they gave to the previous A1 use (as a fallback position) and the way the applicant intends to operate the takeaway function in a time and volume controlled manner which has been the case over the last year. In the local vicinity of the application site Officers note that there is a public car park within easy walking distance that customers could use to park in and collect their takeaway. Whilst acknowledging the concerns raised by the HA, the NPPF is clear that Development should only be prevented or refused on highways grounds if there would be *“an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*. Officers consider that if the takeaway function was to continue in the same time and volume controlled manner which has been the case over the last year, utilising the collection slot app, then within the context of this application, it is not considered that the removal of the condition to allow the continued ancillary function of the takeaway would result in a ‘severe highways safety impact’ that would be contrary to SP7 or DM5 that would warrant resisting the removal of this condition.

Subject to a suitably worded condition the takeaway customer volume could continue to be time and volume regulated to minimise any customer congestion within close proximity to the site which would also alleviate the concerns raised by the Highways Authority. Furthermore, the takeaway use in this instance would only be ancillary to the main restaurant use (which could be argued would generate more and longer term parking over an evening than occasional takeaway collections) and any sole hot food takeaway use would still require separate consent in the future. It is therefore considered that, subject to condition, the proposal would be in accordance with SP7 and DM5 in this regard.

#### *Other Matters*

The amendments sought do not alter the previous assessment in terms of impact on character, the conservation area or setting of listed buildings, or flood risk.

#### *Assessment of the remaining conditions*

The NPPG is clear that any new permission should set out all conditions related to it unless they have been discharged and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission.

For ease of reference the conditions as originally imposed are listed in full below (in the recommendation section) with ~~striketrough~~ text used to represent parts of the condition no



longer required and **bolded text** used to indicate new wording. The conditions have been reworded where required.

### *Conclusion*

Only the very narrow scope of the matters of varying or removing the conditions imposed are open for consideration. I consider the amendment sought to this consent would not unduly impact the amenity of local residents, nor compromise the safety of the highway network. As such it is therefore recommended that planning permission be granted subject to the conditions outlined below.

### **RECOMMENDATION**

**That full planning permission is approved subject to the conditions and reasons shown below.**

~~01~~

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

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

~~02 01~~

The development hereby permitted shall not be carried out except in complete accordance with the following approved plan references:

- Site Location Plan (1.2.19)
- Proposed Plans and Elevations - 1154\_PO4
- Proposed Plan Layout - SK\_01 rev H
- Air Conditioning Units - SK\_AC
- NAPOLI 1250 PIZZA OVEN SPECIFICATION

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.

02

**The development hereby permitted shall be constructed entirely of the materials details approved under 19/02151/DISCON:**

- **Painted Render: Farrow and Ball 'Moles Breath' (No. 276)**
- **Shopfront & Elevations – Ref. 1154\_AC04B (deposited 26.1.20) showing materials for the rear store building to be brickwork, timber cladding, and a metal profile roof.**

~~No external works hereby approved shall take place until manufacturers details (and samples upon request) of all external facing materials (including colour/finish) have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.~~

Reason: In order to preserve or enhance the character and appearance of the conservation area.

03

**The development hereby permitted shall be constructed entirely in accordance with the technical details approved under 19/02151/DISCON:**

- **Shopfront and Signage 3 - Ref. 1154\_AC03B (deposited 26.1.20)**
- **Shopfront & Elevations – Ref. 1154\_AC04B (deposited 26.1.20)**
- **Shopfront – Ref. 1154\_AC01A (deposited 26.1.20)**
- **Shopfront – Ref. 1154\_AC02A (deposited 26.1.20)**
- **100mm (4”) Fan Range Technical Details**

~~No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved details.~~

- ~~— External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars which for the avoidance of doubt shall be of timber construction~~
- ~~— Treatment of window and door heads and cills~~
- ~~— Extractor vents~~
- ~~— External plant screening~~
- ~~— Flues~~

Reason: In order to preserve or enhance the character and appearance of the conservation area.

04

The premises shall only be open to members of the public during the following hours:-

08:00h to 22:30h Monday - Thursday & Sunday

08:00h to 23:00h Friday & Saturday

Reason: In the interests of residential amenity.

05

The external seating area as shown on the approved plan reference 'Proposed Plan Layout - SK\_01 rev H' shall only be for customers use between the following hours:-

8:00h to 20:30h Monday - Thursday

8:00h to 21:00h Friday & Saturday

11:00h to 20:30h Sunday

Reason: In the interests of residential amenity

06

**The use hereby permitted shall be undertaken in accordance with the mitigation works embedded within the Peak Acoustic Noise Assessment Report Rev. 1 – Reference PA939 NM0810192NR carried out by Peak Acoustics dated 12/12/2019 approved under 19/02151/DISCON and shall be retained for the lifetime of the development.**

~~The use hereby permitted shall not commence until a noise assessment is undertaken by a suitably qualified acoustic consultant/engineer to determine an adequate level of internal sound insulation (in order to protect the eastern adjoining residential occupiers from noise from the use hereby permitted) has been submitted to and approved in writing by the local planning authority. All mitigation works as embedded within the noise assessment shall be completed before any part of the premises is brought into use. The scheme as approved shall be retained for the lifetime of the development.~~

Reason: In the interests of residential amenity.

08

~~There shall be no ancillary hot food take away operated from this site unless planning permission has first been granted for such use by the local planning authority.~~

Reason: In the interest of highways safety

07

Prior to the erection of any smoking shelter details of its design, materials and siting shall first be submitted to and agreed in writing by the local planning authority. The smoking shelter shall be implemented in accordance with the approved details.

Reason: In the interest of residential amenity.

08

**The sound-insulation of the external plant equipment shall be undertaken in accordance with the mitigation works embedded within the Peak Acoustic Noise Assessment Report Rev. 1 – Reference PA939 NM0810192NR carried out by Peak Acoustics dated 12/12/2019 and the Environ Technologies Packaged Plant Solutions Details deposited 10.01.2020 approved under 19/02151/DISCON. The mitigation works shall retained for the lifetime of the development.**

~~Before any external plant equipment is used on the premises, it shall be enclosed with sound-insulating material and mounted in a way which will minimise transmission of structure borne and air borne sound. Any such structure/s shall be designed and installed by a suitably qualified acoustic consultant/engineer in accordance with a scheme to be first approved in writing by the local planning authority. The scheme as approved shall be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.~~

Reason: In the interests of residential amenity

09

No live or recorded music shall be played outside the premises in the seating area shown on the approved plan reference 'Proposed Plan Layout - SK\_01 rev H' or any other external space.

Reason: In the interests of residential amenity.

010

**The external seating area hereby approved on approved plan ref. 'Proposed Plan Layout - SK\_01 rev H' shall be constructed in complete accordance with the acoustic screening details embedded within Peak Acoustic Noise Assessment Report Rev. 1 – Reference PA939 NM0810192NR carried out by Peak Acoustics dated 12/12/2019 approved under 19/02151/DISCON. The acoustic mitigation measures shall also be retained for the lifetime of the development.**

~~No part of the external seating area shown on the approved plan reference 'Proposed Plan Layout - SK\_01 rev H' shall be brought into use until details of acoustic screening to reduce the impact of noise on surrounding properties including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved acoustic screening shall then be implemented prior to the use of the external seating area and shall then be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.~~

Reason: In the interests of residential and visual amenity.

11

**The takeaway use hereby permitted shall only operate ancillary to the principal use of the building as a restaurant, café and bar. Takeaway collection must also be by pre-order and pre-arranged time slots only as controlled by the businesses online order and collection programme/mobile app, details of which shall be provided to the Local Planning Authority upon request.**

**Reason: This condition is necessary in the interest of highways safety to help control the flow and volume of customers collecting from the premises.**

Notes to Applicant

01

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).

02

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

03

It is recommended that the developer be advised to consider inclusive access by all people, with particular reference to disabled people. In particular, inclusive access to, into and around the proposal together with adequate manoeuvring space should be carefully considered with suitably wide level approaches and inclusive access to available features, equipment and facilities. It is recommended that the developer make separate enquiry regarding Building Regulations and be mindful of the provisions of the Equality Act.

#### BACKGROUND PAPERS

Application case file.

For further information, please contact Honor Whitfield on ext 5827

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**  
**Business Manager – Planning Development**

Committee Plan - 21/02396/S73

