



Report to Planning Committee 11 July 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Laura Gardner, Senior Planner, x5907

Report Summary			
<b>Application Number</b>	23/01706/FUL		
<b>Proposal</b>	Demolition of existing vacant restaurant building (former Little Chef) and construction of Drive-Thru, Car Parking and Landscaping		
<b>Location</b>	Cafe Amore, Great North Road, Cromwell, NG23 6JE		
<b>Applicant</b>	Welcome Break Holdings Ltd	<b>Agent</b>	Adcock Associates - Mr Graham Adcock
<b>Web Link</b>	<a href="https://newark-sherwooddc.gov.uk/23/01706/FUL">23/01706/FUL   Demolition of existing vacant restaurant building (former Little Chef) and construction of Drive-Thru, Car Parking and Landscaping   Cafe Amore Great North Road Cromwell NG23 6JE (newark-sherwooddc.gov.uk)</a>		
<b>Registered</b>	04.10.2023	<b>Target Date / Extension of Time</b>	29.11.2023 / 18.07.2024
<b>Recommendation</b>	Approve, subject to the conditions in Section 10.0		

**This application is being referred to the Planning Committee for determination by the local ward member, Councillor Saddington due to highways safety reasons.**

### **Summary of the Report**

The proposed development involves the demolition of the existing vacant building and the erection of a new building to be used as a drive-thru food outlet with associated parking and landscaping. The site is located within the open countryside. The new building would have a footprint of 180 square metres and a height of 4.5 metres. The design of the building would be contemporary, with a flat roof, timber cladding and glazing. The drive-thru lane would wrap around the northern and western sides of the building, with an order point and a collection window on each side. The proposed operator of the unit is KFC, a well-known international brand.

The main planning issues relating to the proposal are the principle of development in the open countryside, the impact on the character and appearance of the area, the impact on highway safety and parking, the impact on flood risk and drainage, the impact on ecology and biodiversity, and the impact on amenity. The report provides a detailed assessment of these issues and concludes that the proposal is acceptable subject to conditions.<sup>1</sup>

## **1.0 The Site**

- 1.1 The application site relates to a broadly triangular plot of land to the west of, and accessed from, the A1 trunk road. The site as existing contains a vacant building which was historically used by Little Chef but more recently as a café known as Café Amore (the building has been vacant since 2015). There are existing areas of hardstanding forming parking and circulation areas. To the north of the site is a petrol filling station and associated shop operated by Applegreen. The petrol station is within the same ownership as the application site.
- 1.2 The site is within the open countryside with the closest settlement being Cromwell to the north. The site is within Flood Zone 2 according to the Environment Agency maps.
- 1.3 The site has the following constraints:
- Open Countryside;
  - Flood Zone 2.

## **2.0 Relevant Planning History**

- 2.1 The majority of the planning history on the site is not relevant to the current application. The existing petrol filling station was approved (replacing a previous forecourt) in 2007 under reference 07/00076/FUL.

## **3.0 The Proposal**

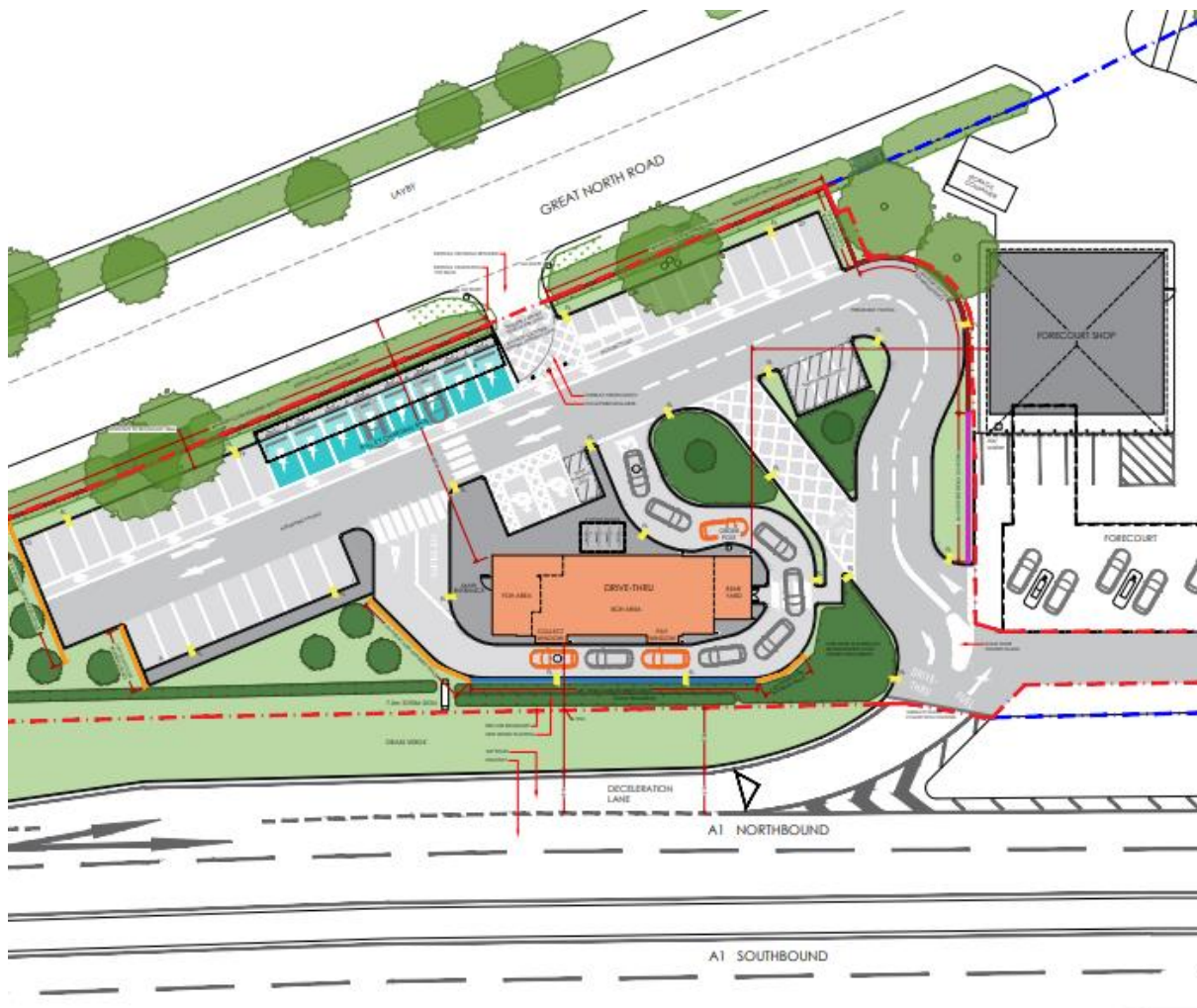
- 3.1 The application seeks permission for the demolition of the existing building within the site and its replacement with a standalone drive through unit with an approximate footprint of 180m<sup>2</sup> (sui generis use class). The building would have a flat roof design of an approximate 4.5m ridge height. Materials proposed include timber effect magnetic wrap panels. To clarify any advertisements would need to be subject to separate consent and are not being assessed through this application.

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<sup>1</sup> This 'Summary of the Report' contains content generated by Artificial Intelligence (AI). This content has been reviewed for accuracy and edited/revised where necessary. The Business Manager takes responsibility for this content.



- 3.2 Externally the site would provide car parking totalling 44 spaces divided into 27 spaces for cars / light vans; 2 disabled spaces; 4 staff parking spaces; 3 spaces for motorcycles and 8 EV charging bay spaces. There would also be provision for 4 cycle stands.



3.3 The application has been considered based on the following plans and documents:

- Design and Access Statement – AA/Welcome Break/22934/DASv2/February 2024;
- Planning Statement – AA/Welcome Break/22934/PSv2/February 2024;
- Transport Statement – 3706422 dated August 2023;
- Landscape and Visual Appraisal – 3139-LVA dated August 2022;
- Figures and Visuals 3139 dated August 2022;
- Landscape Mitigation Plan – 3139-001 Rev. D;
- Flood Risk Assessment and SuDS Report – 4061 Rev. B;
- Day Time Bat Survey dated August 2022;
- Site Survey – S5641;
- Location and Block Plan – 22934 PA01d;
- Existing Site Layout – 22934 PA02;
- Existing Site Elevations – 22934 PA03;
- Proposed Site Layout – 22934 PA04j;
- Proposed Site Layout Swept Path Analysis – DTP/3706422/ATR001 Rev. D;
- Proposed Site Elevation – 22934 PA05b;
- Proposed Building Elevations – 22934PA06b;
- Proposed EV Canopy Elevations – 22934 PA07;
- Existing and Proposed Floor Plans – 22934 PA09a;

- Overlay Layout – 22934 PA08c;
- Landscape Mitigation Plan – 3139-001 Rev. C;
- Letter response to National Highways comments dated 8<sup>th</sup> February 2024.
- Letter from Dynamic Transport Planning dated 4<sup>th</sup> December 2023;
- Horizontal Illuminance (lux) 3267 Rev. P01;
- Dynamic Transport Planning, Technical Note 2 3706422 dated June 2024;
- Lighting Strategy – 32673267-DFL-ELG-XX-RP-EO-13001 Rev. P02 dated 18<sup>th</sup> April 2024;
- Light Spill Diagram – 3267-DFL-ELG-XX-CA-EO-13001-S3-P02 dated 18<sup>th</sup> April 2024.

#### **4.0 Departure/Public Advertisement Procedure**

- 4.1 There are no immediate neighbours to notify by letter so a site notice has been displayed near to the site.
- 4.2 A site visit was undertaken on 9<sup>th</sup> October 2023.

#### **5.0 Planning Policy Framework**

##### **5.1 Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)**

- Spatial Policy 1 – Settlement Hierarchy
- Spatial Policy 2 – Spatial Distribution of Growth
- Spatial Policy 3 – Rural Areas
- Spatial Policy 7 - Sustainable Transport
- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- Core Policy 6 – Shaping our Employment Profile
- Core Policy 8 – Retail & Town Centres
- Core Policy 9 -Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character

##### **5.2 Allocations & Development Management DPD**

- DM5 – Design
- DM7 – Biodiversity and Green Infrastructure
- DM8 – Development in the Open Countryside
- DM11 – Retail and Town Centre Uses
- DM12 – Presumption in Favour of Sustainable Development

- 5.3 The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation albeit the DPD is yet to be examined. There are unresolved objections to amended versions of the above policies emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited.

As such, the application has been assessed in-line with policies from the adopted Development Plan.

#### 5.4 **Other Material Planning Considerations**

- National Planning Policy Framework 2023
- Planning Practice Guidance (online resource)
- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
- Landscape Character Assessment SPD

#### 6.0 **Consultations**

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

##### **(a) Statutory Consultations**

6.2 **National Highways** – No objections.

6.3 **Nottinghamshire County Council (NCC) Highways** – No objections subject to conditions.

##### **(b) Parish Council**

6.4 **Cromwell Parish Council** – Object:

The parish warmly welcomed the possibility of full and part-time employment for young people, and the meeting was quite happy to accept the demolition of the Café Amore.

Concerns were expressed about the use of the slip-road for delivery vehicle access and for the possible use of this road for patrons to leave the site. The 60mph, two-way slip-road has been a problem in the village for many years and N&SDC have spent considerable sums of money to improve road-safety on this bus route by reducing HGV parking and repairing the over-loaded road surface. The road simply has too much traffic attempting to do too many different things in a very short distance and at the same time. Further loading would exacerbate the existing serious and expensive problems. It was felt that the slip-road entrance should remain closed and delivery drivers should use the main entrance.

There is already confusion over the correct place to leave the A1 with ordinary traffic attempting to use the HGV entrance to the service station. Clear signage on the A1 will be a necessity but this may require permissions from other authorities which may not be granted.

The exit and entrance at the A1 will be a danger point, with traffic to the service station and to & from the café all meeting and crossing at the same point.

If vehicles use head-lights at night as they follow the prescribed circle around the café then their head-lights will dazzle north-bound traffic on the A1. The signage referred to above might be useful in screening out this danger but would be distracting and unsightly. The proposed hedge is deciduous.

The proposal may worsen the unofficial HGV park on the western "verge" of the slip-road.

Some provision for litter bins at frequent places in the proposed car parking area would seem to be advisable.

### **(c) Representations/Non-Statutory Consultation**

6.5 **Trent valley Internal Drainage Board** – The Board maintained Norwell Lane Drain, a watercourse, exists to the west of the site and to which byelaws and the Land Act 1991 apply.

6.6 No letters of representation have been received.

### **7.0 Comments of the Business Manager – Planning Development**

7.1 The key issues are:

1. Principle of Development
2. Impact on Town Centre
3. Impact on Flood Risk
4. Impact on the Open Countryside and the Visual Amenities of the Area
5. Impact upon Highway Safety
6. Impact upon Trees and Ecology
7. Impact upon Residential Amenity

7.2 The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 (Presumption in Favour of Sustainable Development) of the Allocations and Development Management DPD.

### **Principle of Development**

7.3 The Adopted Development Plan for the District is the Core Strategy DPD (2019) and the Allocations and Development Management Policies DPD (2013). The settlement hierarchy for the District is set out in Spatial Policy 1 (Settlement Hierarchy), whilst Spatial Policy 2 (Spatial Distribution of Growth) deals with the distribution of growth

for the district. This identifies that the focus of growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the bottom of the hierarchy are 'other villages' which do not have defined built up areas in terms of geographically defined village boundaries and fall to be assessed against Spatial Policy 3 (Rural Areas Rural Areas). Beyond these, on sites within the open countryside, development will be assessed against Policy DM8 (Development in the Open Countryside).

- 7.4 The development would include the demolition of a building last used as a café – Use Class E. Despite being vacant, the site can reasonably be considered to include a community facility protected by Spatial Policy 8 (Protecting and Promoting Leisure and Community Facilities). However, the replacement of the building with a drive through unit would comply with Spatial Policy 8 in that it would provide sufficient alternative provision.
- 7.5 Despite its close proximity to Cromwell, the site is distinctly separated from the village and is therefore considered as being within the open countryside. Policy DM8 does outline a number of potentially permissible development types within the open countryside of which a number are potentially relevant to the application at hand. The most relevant of these are taken in turn below (the numbers correspond to the numbers within the policy).

#### *1. Replacement of Non Residential Buildings*

- 7.6 The existing building on site was last in use as a café – use Class E - which ceased operation in 2015. The majority of the building (including the windows facing towards the A1) have been painted in a dark grey colour. However, there is nothing to suggest that the previous use has been abandoned and therefore the building relates to an established use of a permanent design and construction (but not of architectural or historical merit). Policy DM8 stipulates that the replacement building should be located within the curtilage of the site it is intended to serve. Although the proposed building would be in a different position to the existing, this is due to the functional requirement to be able to provide a drive through facility around the building. It would still be located within the curtilage of the site it is intended to serve and subject to a condition requiring the demolition of the existing building there is no objection in principle to a different siting.
- 7.7 The proposal would replace a Class E use building with a sui generis use. However, the classification as a sui generis use is purely due to the drive through element. The remainder of the business, i.e. the preparation and sale of food is well related to a Class E restaurant / café use which is established on the site. The use is therefore considered to be related to an established use and therefore would comply with the replacement of non residential buildings criteria of Policy DM8.

#### *8. Employment Uses*

- 7.8 There are two elements to the employment criterion of Policy DM8, one relating to small scale employment development and the other relating to the proportionate



expansion of existing business. The latter is considered loosely relevant to this proposal in that it would be within the same ownership as the petrol filling station to the north and therefore could be considered as an expansion of these facilities. In order to comply with this element of the policy, the expansion needs to be considered proportionate and demonstrate an ongoing contribution to local employment. Moving back to the element of the policy allowing small scale employment development, this is required to demonstrate the need for a rural location and a contribution to providing rural employment.

- 7.9 The scale of the building would not be insignificant at 180m<sup>2</sup> (slightly smaller than the building to be demolished) but given the scale of the petrol filling station and associated shop, it would still be modest in comparison. I therefore do consider that it would represent a proportionate expansion which would provide additional employment in connection with Core Policy 6 (Shaping our Employment Profile). However, I am mindful that the two uses whilst being linked due to their proximity are not intrinsically linked (i.e. both could and would to some users operate independently to one another). To consider the development as a proportionate business expansion is therefore perhaps not a neat fit to this part of Policy DM8.
- 7.10 Notwithstanding the above, the development would represent a small-scale employment development and redevelopment of a former similar employment use of the site. As explored further below, there is justification for a rural location on the basis that its intention is to serve the passing trade of users of the A1. There would therefore also be policy support for the development under the employment use criteria.

#### *10. Roadside Services*

- 7.11 Policy DM8 outlines potential support for roadside services provided a justified need for the location can be demonstrated and that the scale of the development is restrained to the minimum necessary to serve the need and protect the surrounding landscape in its design.
- 7.12 The application submission states that the proposed facility is typical of roadside facilities that support the motoring public and would be complimentary to the adjacent fuel filling station. Whilst I can appreciate the merit in being located adjacent to the A1 I do not consider that the application submission includes a justified need for the particular location. However, given the other identified policy support in principle (namely as the replacement of a non-residential building which offers a similar roadside service), I do not consider that it would be necessary or proportionate to insist on further evidence at this stage.
- 7.13 As above the proposal would relate to numerous criteria within Policy DM8. It would most neatly align with the replacement of a non-residential building and would comply in full with this element of the policy. The principle of the development is therefore acceptable subject to an assessment against all other material planning considerations as undertaken below.

### Impact on Town Centre

- 7.14 The glossary within the NPPF is explicit in identifying a drive through restaurant as a main town centre use. Core Policy 8 (Retail & Town Centres) states the following in relation to town centre uses:
- 7.15 *Follow a sequential approach to the location of new main Town Centre uses and retail development. In line with national policy, and following the approach set out in Policy DM11 'Retail and Town Centre Uses', this will require proposals to be firstly located within a centre, then edge-of-centre and only if no suitable sites are available will consideration be given to out-of-centre locations.*
- 7.16 The site cannot be considered as within a centre or even at the edge of a centre. However, it is material to the application that the site already hosts a town centre use which, although vacant, could be brought into use at any time. The replacement of one town centre use with another would therefore have no net impact on the vitality and viability of town centres in the District.
- 7.17 The proposed development will very much serve passing trade of the users of the A1 and is unlikely to be a destination which would divert people from the town centres (the nearest being Newark). In this case the use of an out of centre location is considered acceptable and there is no demonstratable conflict with Core Policy 8 which would warrant resistance of the application.

### Impact on Flood Risk

- 7.18 Core Policy 10 (Climate Change) of the Amended Core Strategy and Policy DM5 (Design) of the Allocations and Development Management DPD states that new development shall be steered away from those areas at highest risk of flooding, by applying the sequential approach to its location (which corresponds with the requirements of national policy). To pass the Sequential Test, the application must demonstrate that there are no reasonably available sites in lower risk Flood Zones in which the development can be located.
- 7.19 The entire site is within Flood Zone 2 according to the Environment Agency maps. The site is however at very low risk of surface water flooding. The proposed development would be a 'less vulnerable' use under the flood risk vulnerability classification. This type of development within Flood Zone 2 is considered appropriate against Table 3 of the Technical Guidance to the NPPF but this in itself does not negate the need to apply the sequential test.
- 7.20 The application has been accompanied by a site specific flood risk assessment (FRA) and drainage strategy. However, this document is silent on the need to apply the sequential test and therefore there is no evidence to demonstrate that there are not more sequentially preferable sites for the development.
- 7.21 Given the purpose of the development, to serve road users, it is accepted that the extent of the sequential test in this case could be reasonably reduced to be in proximity

to the A1 (and also have some allowance for a reasonable distance between other facilities of a similar nature).

- 7.22 Officers have carefully considered whether or not it would be reasonable to insist of further evidence of the sequential test in order to determine the application. However, it is noted again that there is an existing building within the site which is proposed to be demolished as part of this application. The overall net development would therefore remain as existing and as above there is nothing to suggest that the existing building could not serve its established use (notwithstanding that this would be undesirable for the proposed development given a lack of drive through facility). The existing building has a marginally larger footprint than the proposed and therefore subject to its demolition there would be no net additional development (the site is also already laid to hardstanding).
- 7.23 In relation to the sequential test (ST), it is considered reasonable to take a pragmatic approach to this. Consideration to alternative sites should be given but noting that this is a replacement of an existing building in predominantly the same use and of the same size, it is not considered necessary to consider alternative sites. Therefore, whilst not strictly complying, the development is considered acceptable.
- 7.24 The submitted FRA details that the site would utilise an infiltration strategy for drainage which has been designed to manage the 100 yr +40% climate change flood event. Details of required maintenance have also been provided. Subject to a condition securing the drainage provisions outlined, I am satisfied that the proposal is acceptable in respect to flood risk.

#### Impact on the Open Countryside and the Visual Amenities of the Area

- 7.25 Core Policy 9 (Sustainable Design) of the Core Strategy requires a high standard of sustainable design that protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District. Policy DM5 echoes this stating that the District's landscape and character should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.
- 7.26 As detailed in Core Policy 13 (Landscape Character), the Council has commissioned a landscape character assessment for the District in a supplementary planning document (SPD). The site is within the Trent Washlands regional character area policy zone 11: Cromwell, North and South Muskham, Kelham, Averham, Staythorpe and Rolleston Village Farmlands. As implied by the name, the policy zone covers a wide area with characteristic visual features being large scale intensive arable landscapes and a landscape fragmented by busy roads and a railway. Both the condition and sensitivity are considered to be moderate. Specific actions for the policy zone include concentrating new development around existing settlements.
- 7.27 The application has been accompanied by a Landscape and Visual Appraisal (LVA) based on an approximate 1.1km study area. The zone of theoretical visibility for the proposed development is based on a bare earth model which does not include existing

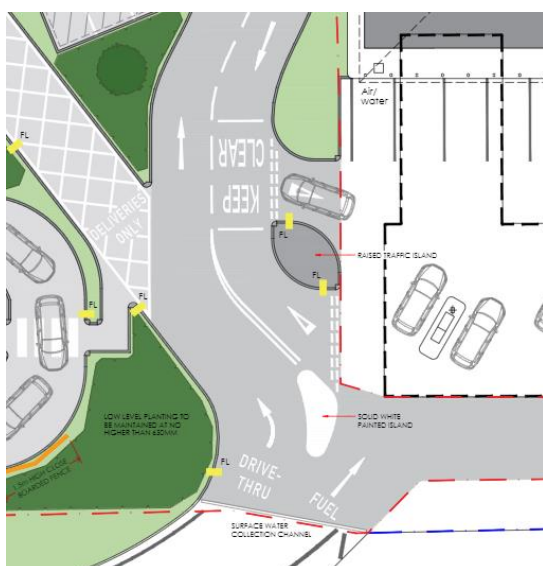
vegetation or structures or any mitigation planting or bunding. Overall, the LVA concludes that the proposed development will have no significant effects on any of the landscape elements, landscape character or landscape designations assessed.

- 7.28 The building would be modest in its height and extent. It would also replace an existing building of a marginally larger footprint however the proposed development also includes other features including the EV canopy which would potentially increase the visual impacts compared to the existing position. Nevertheless, it is accepted that to be functional as a roadside facility the development would need to have some level of visibility in the immediate landscape. The use of timber effect panels to the building would not necessarily be in keeping with the local vernacular but given the modest height of the building would have a neutral impact on the character of the area to a degree that it would not be reasonable to insist on alternative materials being used. Specific details of advertisements would need to be subject to separate consent.
- 7.29 A landscape mitigation plan has been developed in conjunction with the LVA process. The proposed planting will provide some partial screening / filtering of the proposed development which will visually soften the built form. The delivery of the proposed landscaping can be secured by condition and on this basis the development is considered to have acceptable visual and character impacts.

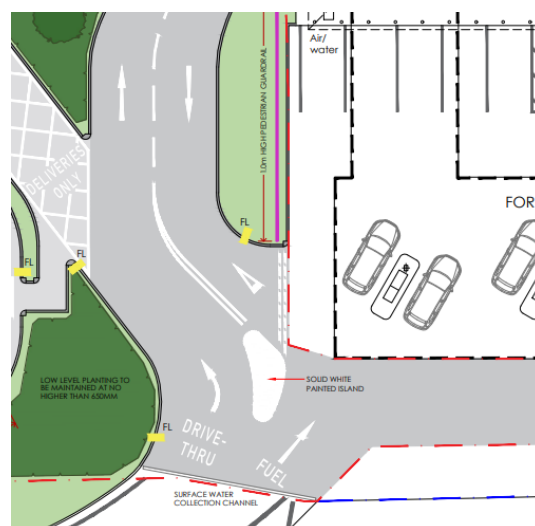
#### Impact upon Highway Safety

- 7.30 Spatial Policy 7 (Sustainable Transport) of the Core Strategy seeks to secure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the Allocations and development Management DPD requires the provision of safe access to new development and appropriate parking provision.
- 7.31 The proposal concerns both the local and the strategic road network with available accesses from the A1 trunk road and Great North Road to the west. It is noted through the Parish Council comments and the Local Member referral that there are concerns locally with the potential impacts on the highways network.
- 7.32 Both NCC Highways and National Highways (NH) have been consulted on the application. The original comments of NCC raised numerous concerns relating to various matters including provision for staff parking and potential interactions between users of the proposed facility and the existing filling station. National Highways also sought further information in their original comments including in relation to drainage and lighting which would have potential impacts on the A1.
- 7.33 The agent has submitted further information during the application to address these concerns including through various revisions to the proposed site layout plans and updated swept paths. An updated Transport Note (TN) has also been provided to explain the impacts of the development but also as an acknowledgement that there is an existing restaurant building on the site which represents a reasonable fall-back position to the development in terms of movements to the highway network. The intention of this development is to modernise the existing roadside facility (and create the drive through element).

- 7.34 Based on the updated information provided, both statutory consultees (NH and NCC) have removed their initial objections and now offer no objections.
- 7.35 NH have accepted the lighting strategy submitted which demonstrates that there will be minimal light spillage onto the adjacent northbound carriageway of the A1. Lamps are to be configured in a downward direction with back panels to reduce further impacts. Fencing around the site would prevent users of the A1 being dazzled by the headlights of vehicles moving in and around the site.
- 7.36 NCC have commented in detail on numerous occasions with their latest comments now offering no objections subject to conditions. It is accepted that the swept path plots and parking arrangements are now acceptable. A vehicular link between the adjacent filling station and the proposed site has been removed to prevent conflicting movements between vehicles manoeuvring within the forecourt area of the filling station (i.e. performing U turns) which would potentially create an unsafe environment for drivers.



*Previous site layout proposed (Rev. g)*



*Site layout now proposed (Rev. h)*

- 7.37 The conditions presented by NCC include provision of bound material for the parking and servicing areas as well as the requirement for a construction method statement which are considered reasonable. Various conditions have been suggested in relation to the access point from Great North Road (C200) including preventing cycle and pedestrian movements. The site plan shows that at this access there would be a lockable gate and that it would only be use for delivery and refuse vehicles. Other conditions can be used to control this and once these are in place access for pedestrians and cyclists would be prevented to a degree that a separate condition (which would be difficult to enforce) would not be necessary. A condition is also suggested for a signage scheme which is considered reasonable in directing traffic where necessary (i.e., no entry signs at the C200 access).
- 7.38 A condition is suggested requiring details of lighting but these have already been

provided through the application (to the satisfaction of NH) and therefore it would be unreasonable to condition these again. It is suggested that there should be a condition requiring 'freely available toilet facilities' on the basis that this would prevent pedestrian movements between the site and the adjacent filling station. The floor plans show that the building would have a wheelchair accessible toilet and therefore a separate condition requiring this would not be necessary.

- 7.39 The comments from NCC make reference to a condition to restrict permitted development from other Class E uses. However, given that the proposal is for a sui generis use, such rights would not exist and therefore this condition would not be necessary.
- 7.40 Based on the revised details submitted throughout the application, the proposals would be safe in highways terms in compliance with Spatial Policy 7 and Policy DM5.

#### Impact upon Trees and Ecology

- 7.41 Core Policy 12 (Biodiversity and Green Infrastructure) 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. Policy DM7 (Biodiversity and Green Infrastructure) states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network.
- 7.42 The site as existing is largely laid to hardstanding serving the existing building with some grassed areas throughout the site. There are some existing trees primarily along the western boundary of the site but these are already adjacent to areas of hardstanding forming existing parking areas and therefore the proposed development would have no detrimental impacts or necessitate removal of any of the existing tree specimens with the site. The proposed building would be set within the site some distance from the site boundaries where the trees are. The proposed EV canopy would be closer to existing trees but still outside of the canopy spread and it would be a lightweight structure which would prevent any detrimental impacts to existing trees. As detailed at paragraph 7.29 the proposed development includes additional planting which can be secured by condition.
- 7.43 The proposal involves the demolition of an existing building and therefore the application has been accompanied by a bat survey. No evidence of bat activity was found at any of the buildings or structures on site. The building proposed for demolition is considered to offer negligible potential to support a bat roost and therefore no further survey works are recommended.
- 7.44 The landscape proposals mentioned above will offer an opportunity to increase the biodiversity on site through additional planting. The proposal is therefore compliant with Core Policy 12 and Policy DM7.

- 7.45 The application was submitted some time before Biodiversity Net Gain legislation came into force and therefore there is no requirement for the proposal to deliver a mandatory 10% biodiversity net gain.

#### Impact upon Residential Amenity

- 7.46 The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of buildings. Policy DM5 of the Allocations and Development Management DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.
- 7.47 The nearest residential neighbours are some distance away (over 175m) in the village of Cromwell. The proposed building is modest in height such that it would have no impacts in terms of overbearing or overshadowing given the distances to residential properties. Any comings and goings to the site are unlikely to be perceivable in the context of the proximity of the A1 (and its associated noise). No amenity harm has therefore been identified and given a lack of harm it is not considered necessary to condition hours of use for the building.

#### Other Matters

- 7.48 The proposal would bring benefits including employment in the form of 30 jobs (15 full time and 15 part time). This is supported through both local and national policy. Other benefits include the provision of EV charging points.

### **8.0 Implications**

- 8.1 In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

### **9.0 Conclusion**

- 9.1 The site has already serves a Class E use albeit it is understood the building has been vacant for some time. There is no objection to the demolition of the existing building in principle and its replacement with a building of a sui generis drive through use complies with the replacement of non-residential buildings set out in Policy DM8. The proposal is therefore acceptable in principle despite its countryside location.
- 9.2 Although the site is at risk of flooding, the proposed development would have no net impact on flood risk given the existing use of the site. Specific drainage outlined by the submitted FRA can be secured by condition.
- 9.3 Matters of highway safety have been addressed during the application and as above the proposal would be acceptable in all other respects.

9.4 The proposal would provide employment opportunities and in the absence of any demonstratable harm the recommendation is one of approval subject to the conditions set out below.

## **10.0 Conditions**

01

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

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

02

No development including demolition, other than site clearance, shall take place until a Construction Methodology and Management Plan (CMMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CMMP shall be adhered to throughout the construction period. The CMMP shall comprise the following:

- The details of temporary fencing to be erected and retained during the construction period including measures of tree protective fencing;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- any measures to control the emission of noise, dust and dirt during construction including wheel washing facilities;
- a scheme for recycling / disposing of waste resulting from demolition and construction works;
- hours/days of proposed construction (which shall not be outside the hours of Monday to Sunday 06:30 to 18.00hrs).

Reason: To protect the amenity of the surrounding area.

03

Prior to the building hereby approved being brought into use, the existing building shall be demolished in full and all materials removed from site.

Reason: To ensure that the development takes the envisaged form and does not lead to two buildings within the site.

04

No part of the development hereby permitted shall be brought into use until details of signage directing vehicular and pedestrian traffic have been submitted to and approved in writing by



the Local Planning Authority. The development shall be implemented in accordance with the approved details to the satisfaction of the Local Planning Authority. The approved signage scheme shall be maintained for the life of the development.

Reason: In the interest of highway safety.

05

No part of the development hereby permitted shall be brought into use until the site access and parking/servicing/turning areas are provided, in a bound material and with markings, in accordance with the scheme illustrated on the approved site layout plan (drawing number PA04j). The parking/servicing/turning areas shall not be used for any purpose other than parking/turning/loading/unloading of vehicles and shall be maintained for the life of the development.

Reason: In the interest of highway safety.

06

No part of the development hereby permitted shall be brought into use until the cycle stands and EV charging bays have been provided on site in accordance with the details shown on plan reference Proposed Site Layout – 22934 PA04j.

Reason: To promote sustainable means of travel.

07

Prior to the development hereby approved being brought into use, the boundary treatments shown on plan reference Proposed Site Layout – 22934 PA04j shall be provided in full and thereafter retained for the lifetime of the development.

Reason: In the interests of highways safety and visual amenity.

08

The approved hard and soft landscaping scheme as shown on plan reference Landscape Mitigation Plan – 3139-001 Rev. D shall be carried out within 6 months of the building first being brought into use or completion of the development, whichever is soonest. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

09

The development hereby permitted shall not be carried out except in complete accordance with approved proposed plans and documents reference;

- Location and Block Plan – 22934 PA01d;
- Proposed Site Layout – 22934 PA04j;
- Proposed Site Elevation – 22934 PA05b;
- Proposed Building Elevations – 22934PA06b;
- Proposed EV Canopy Elevations – 22934 PA07;
- Existing and Proposed Floor Plans – 22934 PA09a;
- Lighting Strategy – 32673267-DFL-ELG-XX-RP-EO-13001 Rev. P02 dated 18<sup>th</sup> April 2024;
- Light Spill Diagram – 3267-DFL-ELG-XX-CA-EO-13001-S3-P02 dated 18<sup>th</sup> April 2024.
- SUDS Drainage Strategy 4061 SK01 (Appendix H of the Flood Risk Assessment and SuDS Report – 4061 Rev. B);

Reason: So as to define this permission.

10

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application.

Reason: In the interests of visual amenity.

11

No external storage shall take place unless a plan showing the external storage area and means of demarcation have been submitted to and approved in writing by the Local Planning Authority. No external storage shall take place outside of any approved area.

Reason: In the interests of residential and visual amenity.

12

The gate at the site egress onto the C200 Great North Road shall open inwards only and shall always be closed and locked except when HGV access and egress is required for vehicles servicing the site. Such access and egress shall be supervised by a member of site staff.

Reason: In the interests of highways safety.

### Informatives

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/](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.

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

Advertisement consent will be required for any associated adverts.

04

The Board maintained Norwell Lane Drain, an open watercourse, exists to the West of the site and to which Byelaws and The Land Drainage Act 1991 applies.

The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).

The Board's consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board's machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works.

05

You are advised that you may require building regulations approval in addition to the planning permission you have obtained. Any amendments to the permitted scheme that may be necessary to comply with the Building Regulations, must also be approved in writing by the Local Planning Authority in order that any planning implications arising from those amendments may be properly considered.

East Midlands Building Control operates as a local authority partnership that offers a building control service that you may wish to consider. You can contact them via email at [info@eastmidlandsbc.com](mailto:info@eastmidlandsbc.com) via phone on 0333 003 8132 or via the internet at [www.eastmidlandsbc.com](http://www.eastmidlandsbc.com).

#### BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents

listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

Committee Plan - 23/01706/FUL

