



Report to Planning Committee 13 November 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Helen White, Senior Planner (Development Management), 5409

Report Summary			
Application No.	24/01338/FUL		
Proposal	Demolition of existing building and structures and construction of two Drive-Thru units (Class E/Sui Generis Hot Food Takeaway) with cycle and car parking, alterations to vehicular access, refuse storage, landscaping, and associated works.		
Location	Former Winner City Cantonese Restaurant, White Post, Farnsfield, NG22 8JD		
Applicant	Burney Estates Ltd	Agent	Mr Aram Hekmat - Dovetail Architects Ltd
Web Link	24/01338/FUL Demolition of existing building and structures and construction of two Drive-Thru units (Class E/Sui Generis Hot Food Takeaway) with cycle and car parking, alterations to vehicular access, refuse storage, landscaping, and associated works. Former Winner City Cantonese Restaurant White Post Farnsfield NG22 8JD		
Registered	22.08.2024	Target Date Extension To	17.10.2024 20.11.2025
Recommendation	That Planning Permission is <u>APPROVED</u> subject to the condition(s) detailed at Section 10.0 and S106 legal agreement		

This application is before the Planning Committee for determination at the call-in request of the local ward member, Cllr M Shakeshaft. The reasons for referral are:

- The impact of the development on highway safety in relation to traffic volumes, road safety and the comments of the Highway Authority.
- Compliance with NSDC Spatial Policy 3, Core Policy 8 & 13 [of the Amended Core Strategy], Policies DM5 & DM8 [of the Allocations and Development Management DPD].
- Due to the concerns raised by Farnsfield Parish Council (for a summary see the relevant section of this report below).

1.0 The Site

1.1 This application site relates to the former Winner City Restaurant building (see photo

below) and associated car park area (approx. 0.45Ha). The restaurant building is located on the southern side of the site and is predominantly two-storey and is served by approximately 90 car parking spaces plus an extensive area of hard standing to the north. The site is located to the north-east of the White Post Roundabout and directly to the north-west of the White Post Farm Centre (wildlife park and farm/tourist attraction).

- 1.2 The site lies outside of the village of Farnsfield (which lies to the east), in the open countryside, but in an area which forms a cluster of mixed commercial uses surrounding the roundabout. The White Post Inn public house lies to the south-east past White Post Farm Centre, White Post Garage (machinery sale/hire) lies to the south-west and Wheel Gate Park (children's adventure parking/tourist attraction) lies to the west. Other uses also surround the site such as a children's day nursery and sporadic residential properties. The site is in Flood Zone 1.
- 1.3 In addition to the restaurant, it is understood that the site accommodates nine rooms for let at the rear of the building (albeit there does not appear to be any planning history for this). The site is bound to the east and north by extensive and mature trees and hedgerows, to the west by Old Rufford Road, and to the south by garage buildings that adjoin the restaurant and vehicle parking. The site benefits from a large vehicular access onto the A614 with a feeder slip on the southern carriageway and dedicated right-turn facility heading north.



Existing Building – Winner City Restaurant

- 1.4 The site has the following constraints:
- Open countryside
 - Trees adjacent to the site boundaries

2.0 Relevant Planning History

- 2.1 **04/02031/FUL** - Extension to restaurant and alterations to provide a disabled toilet – Permitted 08.10.2004
- 2.2 **68870705** - Alterations to restaurant and transport cafe to form Cantonese restaurant – Permitted 20.08.1987
- 2.3 **6880498** - First Floor extensions – Permitted 01.07.1980

2.4 **688047** – Alterations and Improvements – Permitted 20.05.1980

2.5 There are also a number of advertisement consents relating to the Cantonese restaurant which are not considered to be of particular relevance to this application.

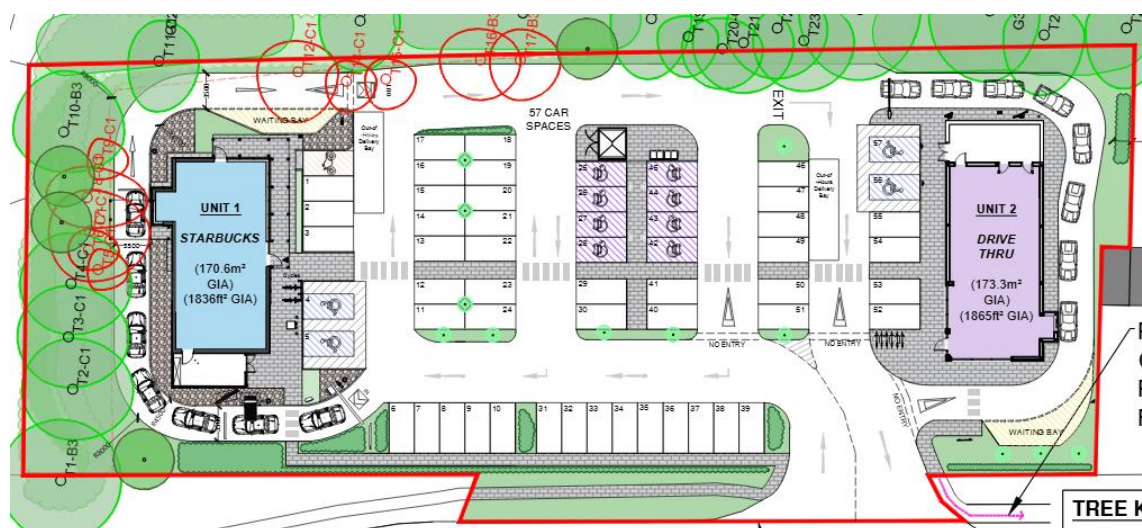
3.0 **The Proposal**

3.1 The application is an amended scheme which seeks permission for the demolition of the existing buildings on site and construction of two drive-thru restaurants for use classes E/Sui Generis hot food takeaway with associated changes to hard and soft landscaping and alterations to vehicular access.

3.2 The two units are shown as a Starbucks (Unit 1) and unidentified (Unit 2). The Starbucks unit is proposed to have a gross internal area of approximately 170.6 m² (GIA) and the proposed unidentified unit would have a GIA of 173.3m² of floorspace. The total GIA floorspace equates to 343.9m². Both units would have 24/7 opening hours.

3.3 The existing access into the site would be retained and a speed limit of 40mph would be introduced through a traffic regulation order (TRO). Both restaurants would be served by 57 car parking spaces located centrally within the site - 4 of these spaces would be reserved for disabled parking and 8 would be provided as EV charging spaces.

3.4 Full and part time employment would be provided by both new restaurants alongside skills and training programmes targeting local recruitment. Approximately 40 new full/part jobs would be created by the proposals.



Proposed Site Plan Extract

3.5 The Proposed Site Plan (shown above) shows:

- The Starbucks Drive-thru (Unit 1) would be positioned on the northern side of the site and the unidentified Drive-thru (Unit 2) would be positioned on the southern side.
- The existing vehicular access into the site would be retained with a pedestrian

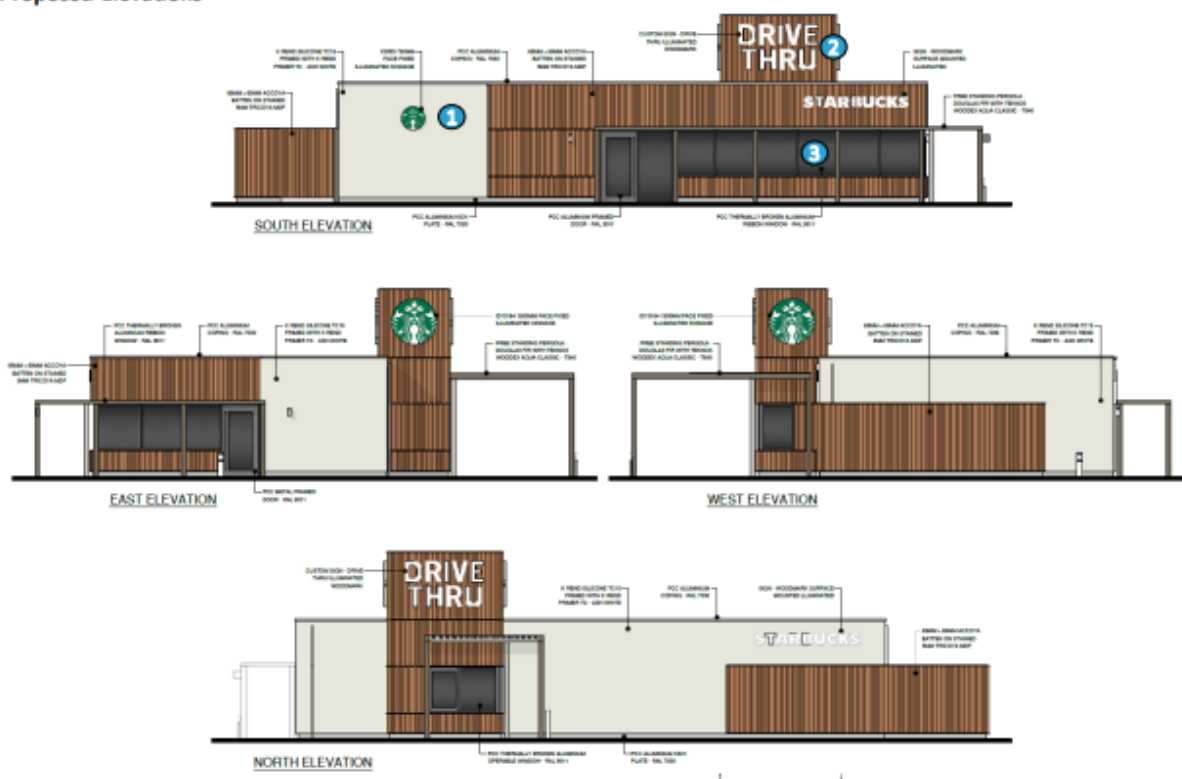
connection to the public footway to the south of the site.

- The existing deceleration lane would be removed.
- Parking spaces would be provided in the centre of the site, between the two buildings, which would have drive-thru access provided to the rear of the buildings.
- 57 car parking spaces would be provided including 8 EV charging spaces, motorbike and cycle spaces and vehicle waiting bays for people using the drive-thrus.
- Areas for refuse are to be provided in a yard area for both Starbucks and the second unidentified drive-thru.
- New areas of landscaping are proposed around the site.
- Space is allocated within the site for out-of-hours deliveries and loading/unloading.
- Pedestrian access would be provided via new pedestrian paths as well as marked-out walkways that connect the car parking spaces to the main buildings.
- Signage (being considered under 24/01339/ADV) would be positioned to the front of the site (west) and would include pole signs and building signage.

3.6 Starbucks Unit (Unit 1)

- The building would be of a modern flat roof design, finished in wooden cladding and render panels.
- Signage is proposed to the exterior of the building as well as signs positioned around the site.
- Large areas of glazing would face the southern corner which looks away from the road and over the car park/landscaping area.
- Indoor and outdoor seating would be included as well as drive-thru for takeaway.

Proposed Elevations



Proposed Starbucks Elevations & Proposed Visualisation

- The building would similarly be of a modern flat roof design, finished in a combination of dark grey and timber effect cladding panels.
- Signage is proposed to the exterior of the building as well as signs positioned around the site.
- Glazing would be orientated north to look away from the road and over the car park/landscaping area.
- Indoor and outdoor seating would be included as well as drive-thru for takeaway.





Proposed Unidentified Drive-thru Elevations & Proposed Visualisation

- 3.8 The design of both buildings has been informed by sustainable techniques to minimise heat loss and ensure a good thermal envelope. Energy efficiency techniques will also be incorporated.

NB: All measurements above are approximate.

- 3.9 Documents assessed in this appraisal:

- Application Form (deposited 22.08.2024)
- Covering Letter from Agent (deposited 29.07.2024)
- Design and Access Statement (deposited 29.07.2024)
- Environmental Noise Assessment (deposited 29.07.2024)
- Noise Report Addendum 1 – White Post Farm/Animals (deposited 07.10.2024)
- Noise Report Addendum 2 - Rufford Garage (deposited 12.11.2024)
- Clear Acoustic Design Report (deposited 07.10.2024)
- Flood Risk Assessment (deposited 29.07.2024)
- Drainage Strategy (deposited 29.07.2024)
- Landscape & Visual Impact Assessment (deposited 29.07.2024)
- Starbucks Presentation (deposited 29.07.2024)
- Transport Statement (deposited 29.07.2024)
- Contamination Desk study and Preliminary Risk Assessment Part 1 (deposited 29.07.2024)
- Contamination Desk study and Preliminary Risk Assessment Part 2 (deposited 29.07.2024)
- Construction & Demolition Management Plan (deposited 29.07.2024)
- Arboricultural Report Rev. A, November 2024 (deposited 12.11.2024)
- Preliminary Ecological Appraisal (deposited 08.08.2024)
- Biodiversity Survey and Report (deposited 08.08.2024)
- Biodiversity Net Gain Report (deposited 08.08.2024)
- Biodiversity Metric Calculation (deposited 08.08.2024)
- Bat Survey Report (deposited 08.08.2024)
- Baseline Onsite Habitat Survey Report (Pre-Development) (deposited 08.08.2024)
- Habitat Levels 1 Spreadsheet (deposited 15.10.2024)

- Habitat Levels 4 Spreadsheet (deposited 15.10.2024)
- Support Letter from Starbucks (deposited 24.09.2024)
- McDonalds Economic Operator Statement (deposited 24.09.2024)
- Starbucks Operator Statement (deposited 07.10.2024)
- Existing Building Statement (deposited 10.10.2024)
- Transport Assessment V0.1 (deposited 23.10.2024)
- Outline Travel Plan 01 (DT Restaurant) (deposited 23.10.2024)
- Outline Travel Plan 02 (DT Coffee) (deposited 23.10.2024)
- Outline Travel Plan 02 Appendix A Collision Data (deposited 23.10.2024)
- Highways and Transport (dated October 2025) (deposited 29.07.2024)
- Design and Access Statement (Rev B) (deposited 29.07.2024)
- Drainage Strategy (Rev B) (deposited 29.07.2024)
- Tree Protection Plan (Rev B) (deposited 29.07.2024)
- Ecology PEA / Biodiversity Net Gain (Rev B) (deposited 29.07.2024)
- Landscape Visual Impact Assessment (Rev A) (deposited 29.07.2024)
- Construction and Demolition Management Plan including Set Up (Rev A) (deposited 29.07.2024)
- Community Infrastructure Levy Questions Form (Rev A) (deposited 29.07.2024)
- Plans:
 - Site Location Plan – Ref. 4421 PL01 B (deposited 29.07.2024)
 - Existing Site Plan – Ref. 4421 PL02 B (deposited 29.07.2024)
 - Existing Floor Plans – Ref. 4421 PL03 A (deposited 07.10.2024)
 - Existing Elevations – Ref. 4421 PL04 A (deposited 07.10.2024)
 - Proposed Site Plan – Ref. 4421 PL05 M (deposited 12.11.2024)
 - Proposed Floor Plan Unit 1 Starbucks – Ref. 4421 PL06 (deposited 29.07.2024)
 - Proposed Elevations Unit 1 Starbucks –Ref. 4421 PL07 (deposited 29.07.2024)
 - Proposed Signage Plan Unit 1 Starbucks –Ref. 4421 PL10 (deposited 29.07.2024)
 - Proposed Signage Elevations Unit 1 Starbucks – Ref. 4421 PL11 (deposited 29.07.2024)
 - Proposed Floor Plans and Elevations Part Demolished Building – Ref. 4421 PL15 (deposited 29.07.2024)
 - Proposed Floor Plans Part Demolished Building – Ref. 4421 PL15 1A (deposited 07.10.2024)
 - Proposed Elevations Part Demolished Building – Ref. 4421 PL15 2A (deposited 07.10.2024)
 - Proposed Perspective Images 1 – Ref. 4421 PL14.1 (deposited 29.07.2024)
 - Proposed Perspective Images 2 – Ref. 4421 PL14.2 (deposited 29.07.2024)
 - Proposed Perspective Images 3 Starbucks Unit 1 – Ref. 4421 PL14.3 (deposited 29.07.2024)
 - Proposed Perspective Images 4 McDonalds Unit 2 – Ref. 4421 PL14.4 (deposited 29.07.2024)
 - Proposed Perspective Images 5 EV Chargers – Ref. 4421 PL14.5 (deposited 29.07.2024)
 - Construction Set Up Plan - Ref. 4421 PL16 (deposited 29.07.2024)

- Proposed Floor Plan McDonalds Unit 2- Ref. 4430 PL08 B (deposited 29.07.2024)
- Proposed Elevations McDonalds Unit 2 – Ref. 4430 PL09 A (deposited 29.07.2024)
- Typical Elevations Substations and Charging Points – Ref. 002 11 A, 002 12 A, 001 01 A (deposited 29.07.2024)
- Proposed Site Advertisement Plan McDonalds – Ref. 13597 AEW 2417 0008 REV B (deposited 07.10.2024)
- Proposed Building Advertisement Elevations McDonalds – Ref. Ref. 13597 AEW 2417 0009 (deposited 07.10.2024)
- Location Plan McDonalds Signage – Ref. Ref. 13597 AEW 2417 0100 (deposited 07.10.2024)
- Block Plan McDonalds Signage Application – Ref. Ref. 13597 AEW 2417 0401 REV A (deposited 07.10.2024)
- Totem Signage Booklet McDonalds (deposited 07.10.2024)
- Tree Protection Plan – Ref. Rev A (deposited 12.11.2024)
- Proposed Signage Plan Unit 2 – Ref. 4421 PL12A (deposited 10.10.2024)
- Proposed Signage Elevations Unit 2 – Ref. 4421 PL13A (deposited 10.10.2024)
- Unit 2 Proposed Signage Pack (deposited 10.10.2024)
- 4421_PL05P Proposed Site Plan (deposited 13.10.2025)
- 4421_PL08C Proposed Floor Plans – Unit 2 (deposited 13.10.2025)
- 4421_PL09B Proposed Elevations – Unit 2 (deposited 13.10.2025)
- 4421_PL12B Proposed Signage Plan – Unit 2 (deposited 13.10.2025)
- 4421_PL14.1A Proposed Perspectives 1 (deposited 13.10.2025)
- 4421_PL14.2A Proposed Perspectives 2 (deposited 13.10.2025)
- 4421_PL14.3A Proposed Perspectives 3 – Unit 1 (deposited 13.10.2025)
- 4421_PL14.4A Proposed Perspectives 4 – Unit 2 (deposited 13.10.2025)
- 4421_PL14.5A Proposed Perspectives 5 – EV Chargers (deposited 13.10.2025)
- 4421_PL15.1C Proposed Floor Plans – Part Demolished Building (deposited 13.10.2025)
- 4421_PL15.2C Proposed Elevations – Part Demolished Building (deposited 13.10.2025)
- 4421_PL16A Construction Set Up Plan (deposited 13.10.2025)

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 60 properties have been individually notified by letter.
- 4.2 Site visit undertaken on: 09.09.2024 and 14.02.2025.

5.0 Planning Policy Framework

5.1. Farnsfield Neighbourhood Plan 2017

FNP4 - Local Employment Opportunities

FNP5 - Creating A Thriving Parish
 FNP7 - The Quality Of Development
 FNP8 – Landscape

5.2. Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 – Settlement Hierarchy
 Spatial Policy 2 - Spatial Distribution of Growth
 Spatial Policy 7 - Sustainable Transport
 Core Policy 6 – Shaping our Employment Profile
 Core Policy 7 – Tourism Development
 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

5.3. Allocations & Development Management DPD (2013)

DM5 – Design
 DM7 – Biodiversity and Green Infrastructure
 DM10 – Pollution and Hazardous Substances
 DM11 – Retail and Town Centre Uses
 DM12 – Presumption in Favour of Sustainable Development

5.4. The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024. Following the close of the hearing sessions as part of the Examination in Public the Inspector has agreed a schedule of ‘main modifications’ to the submission DPD. The purpose of these main modifications is to resolve soundness and legal compliance issues which the Inspector has identified. Alongside this the Council has separately identified a range of minor modifications and points of clarification it wishes to make to the submission DPD. Consultation on the main modifications and minor modifications / points of clarification is taking place between Tuesday 16 September and Tuesday 28 October 2025. Once the period of consultation has concluded then the Inspector will consider the representations and finalise his examination report and the final schedule of recommended main modifications.

5.5. Tests outlined through paragraph 49 of the NPPF determine the weight which can be afforded to emerging planning policy. The stage of examination which the Amended Allocations & Development Management DPD has reached represents an advanced stage of preparation. Turning to the other two tests, in agreeing these main modifications the Inspector has considered objections to the submission DPD and the degree of consistency with national planning policy. Therefore, where content in the Submission DPD is either not subject to a proposed main modification or the modifications/clarifications identified are very minor in nature then this emerging content, as modified where applicable, can now start to be given substantial weight as part of the decision-making process.

[Submission Amended Allocations & Development Management DPD](#)

[Schedule of Main Modifications and Minor Modifications / Clarifications](#)

5.6. **Other Material Planning Considerations**

National Planning Policy Framework (2024)

Planning Practice Guidance

6.0 **Consultations and Representations**

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

Statutory Consultations

- 6.1. NCC Highways – No objection. Subsequent to their earlier comments objecting to the application, the Highway Authority have been in discussions with the applicant and their agents. A ‘Supplementary Technical Note’ has been submitted in response. Technical Note, drawing number STH_111_001_02 rev 3 shows the retention of the existing access which, alongside the proposed speed limit (shown as an un-numbered drawing) have resulted in the principle of the access therefore being acceptable. A condition requiring an application for the speed limit order due to it not being shown on the access drawing but also as it is required to be a pre-commencement condition due to the length of time traffic regulation orders can take to process. A condition will be requested for a Travel Plan to be submitted, third party monitoring of this will be secured via a legal agreement. A Delivery Management Plan, condition for car park management, and provision of signing and lining within the car park.

Town/Parish Council

- 6.2. Farnsfield Parish Council – Object – Raising the following concerns:

Principle and Economic Impacts

- Accept development is inevitable at this brownfield site.
- The site’s current use as a food restaurant and takeaway makes it likely something similar would be approved, if suitable and in line with policies.
- The proposal doesn’t comply with policies.
- The new jobs created will be offset by jobs lost at surrounding businesses.
- Local businesses already have trouble filling vacancies with local people.
- There is no local demand for fast food outlets.
- Detrimental to tourism.

Character

- The development will result in a harmful change to the site.
- Potential for litter and anti-social behaviour.

Amenities

- Air, light and noise pollution (due to 24 hr usage).
- Potential for litter and anti-social behaviour.
- No courier waiting bay or acoustic fence (as recommended) at the southern divide.

Highways

- The site is currently used for parking by other businesses on the roundabout so this would displace parking.
- Transportation of staff to and from the site during 24hr opening times.
- Concerns about inadequate parking for employees and the lack of 24hr public transport would not enable employees to travel to the site by sustainable means.
- Concerns raised by the Highway Authority about potential increase in risks to pedestrians, cyclists and drivers.
- The development would add an additional traffic burden to inadequate roads.
- Traffic speeds south on the A614 to the roundabout – the proposal will not reduce the speed or the risk.
- Does not appear to be a 'right turn' prohibition for exiting traffic from the site which would improve safety.
- The deceleration lane from the A614 is to be removed and no rationale is given.
- At least 2 trees are to be located in the path of vehicles or the drawing is wrong.

Flooding/Drainage

- Inadequate drainage issues.
- There is history of flooding at the White Post Farm roundabout and the increase in hard surfacing with no compensatory measures will exacerbate this issue.

Ecology

- Concerns about the impact on existing trees.
- Concerns that the BNG figure needs further scrutiny and would not compensate for the loss of flora & fauna.

Other Matters

- Represents a health and safety hazard to nearby homes and businesses, employees and road users.
- Adverse impact on the custom of local cafes and businesses.
- Sufficient fast-food restaurants within the Mansfield area already.
- Difficulty of finding local residents to fill this type of business within Farnsfield.
- The development would not help combat obesity and other health conditions.
- There would be no community benefit as a result of the proposal.
- Farnsfield has regularly entered into and won the 'best kept village' competition, and this would not help its future participation.
- The revised proposal represents a harmful change in the type and volume of site usage.
- No mention of PV installations or site battery energy storage.
- No mention of grey water usage which detracts from the sustainability credentials of the development.
- The 2nd unit has no definition of intended use.
- No provision for a public convenience or dog walking area in what is effectively a rest area.

Representations/Non-Statutory Consultation

- 6.3. NCC Flood Risk – Flood risk and drainage standing advice applies.
- 6.4. NCC Planning Policy – Minerals: the proposal is not within a Mineral Safeguarding and Consultation Area, or near any minerals extraction sites. Therefore, no concerns raised. Waste: no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue. As set out in Policy WCS2 ‘Waste awareness, prevention and re-use’ of the Waste Core Strategy, the development should be ‘designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.’ Transport and Travel Services: The closest bus stops served by scheduled services are situated approximately 270 metres from the centre of the site which provides adequate access to local bus routes, shown below. A contribution towards a local bus service provision is not sought.

Service No. (Operator)	Route	Service Frequency & Operating Times		
		Weekday	Weekend	
		Mon - Fri	Sat	Sun
28 Stagecoach	Mansfield Bus Station - Farndon Long Lane-Newark	Hourly From 05:15 to 20:40	Hourly From 05:15 to 20:40	No Service
SA1	Ollerton- Nottingham	2 Hourly from 05:40 to 22:00	2 Hourly from 05:40 to 22:00	No Service

- 6.5. A planning obligation – bus stop infrastructure contribution of £20,400 paid to provide improvements to the two bus stops NS0050 & NS0051 is requested. On the grounds that bus stops should be provided that meet the access standard set out in the Council’s Highways Design Code with bust stop facilities that meet the standard set out in the Appendix to the Council’s Public Transport Planning Obligations Funding Guidance.
- 6.6. NSDC Environmental Health Officer – The assessment of noise in the context of people is a negligible impact. The submitted report recommends an acoustic fence to address noise concerns at the adjacent commercial premises. This should be implemented as specified in the report.
- 6.7. NSDC Contaminated Land Officer – No objection subject to the use of the full phased contamination condition.
- 6.8. NSDC Ecology Officer – No objection subject to the inclusion of the deemed BNG condition and conditions for precautionary working methods, a lighting scheme, and the provision of bat and bird boxes on site. Although, the achievability and sustainability of the on-site BNG enhancements proposed were questioned off-site BNG remains a possibility.
- 6.9. NSDC Tree Officer – Concerns raised relating to the level of detail included within the surveys.
- 6.10. NSDC Planning Policy – No objection.
- 6.11. Cadent Gas – No objection – the site is in close proximity to a medium and low-

pressure asset; therefore, the use of an informative note is required to alter the applicant to this.

- 6.12. Comments have been received **52** local residents/third parties (**44 in objection, 4 in support**) that can be summarised as follows:

Principle and Economic Impacts

- There is no local need for fast food outlets or coffee shops in the area – there are sufficient fast-food services in the area.
- Farnsfield has sufficient leisure facilities already. Winner City was a popular restaurant and takeaway and this should not be replaced by American style businesses.
- The development would be contrary to policies SP3, CP8, CP13 of the Core Strategy, DM5, DM8, DM11 of the Allocations and Development Management DPD and FNP4, FNP5, FNP7, FNP8 of the Farnsfield Local Plan.
- The development would not support existing countryside attractions and would impact exiting tearooms on adjacent business sites.
- There is no proven local need for these large businesses, the Council should prioritise smaller local businesses.
- The development would bring stable jobs and would be better than houses on the site.
- The site would be better used for a fuel station.
- Farnsfield has already had enough development.
- The development would support micro regeneration/growth and provide job opportunities for local people.

Character

- The site needs smartening up.
- The proposal will be more visually pleasing than the current situation.
- The development would not result in an enhanced community space and would fail to inspire/benefit local residents.
- The development would impact the overall character of the area and landscape.

Amenities

- Concerns about the impact of the partial demolition on the adjoining building and whether this would impact its structural integrity/safety. Concerns about how this would impact the operation of this adjoining business.
- Concern about potential continuous pollution from the 24hr use and how this would impact the adjacent animal farm/zoo site from an animal welfare perspective.
- Concerns about the impact on nearby properties and businesses through increased noise.
- Concerns about the impact on the nearby children's day nursery and children with additional needs.

Highways

- The roads around the site are often congested and this will worsen traffic issues and increase the likelihood of accidents.

- Local cycle routes would be adversely impacted from additional traffic, litter, and pollution.
- Concerns about the right turn out of the site and whether this is safe from a highway's perspective.
- The roundabout is in need of improvement and investment already and this development will only increase the pressure on the road network.
- Concerns about the traffic generation numbers quoted in the supporting Transport Statement.

Flooding/Drainage

- The roundabout floods badly and is sometimes impassible when this happens.

Ecology

- The BNG offered is only with new scrub land which is not sufficient.
- Impact of pollution (noise, light, odour) on wildlife.
- The removal of trees as proposed would not be compensated for by the replacement with smaller trees.

Other Matters

- Concerns about the public health impact on healthy lifestyles, increased pressure on the NHS and people's well-being.
- The site would be best used with a supermarket.
- The development would impact existing local businesses by diverting trade.
- The companies are global businesses with no interest in the local area/people.
- There would be an increase in litter.
- Impact on animal welfare at adjacent businesses.
- Concerns about where demolition waste will be taken.
- Issue with the disposal of trade waste and effluence.
- The development will impact surrounding property values.
- The development demonstrates corporate greed.

7.0 Appraisal

7.1. The key issues are:

- Principle of Development
- Impact on the Character and Appearance of the Area
- Impact on Amenity
- Impact on Highways Safety
- Impact on Ecology
- Flood Risk/Drainage
- Planning Obligations
- Other Matters

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 (2013).

Principle of Development

- 7.3. The Adopted Development Plan for the District is the Amended Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013). The Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The site lies outside of the village envelope of the principal village of Farnsfield as a matter of fact. Therefore, notwithstanding the fact that the site is situated within a nucleus of development around the White Post Roundabout, owing to the location of the site, it is considered to be within the open countryside in policy terms. In accordance with the requirements of Spatial Policy 3 (Rural Areas), development in the open countryside is strictly controlled and limited to certain types listed in Policy DM8 (Development in the Open Countryside).
- 7.4. Policy FNP4 (Local Employment Opportunities) of the Farnsfield Local Plan advises that development which includes new employment opportunities will be supported within the village envelope of Farnsfield. However, the site lies outside of the defines of the village of Farnsfield and as such this policy cannot be applied. Policy FNP5 (Creating A Thriving Parish) outlines that development will be supported for uses that will contribute to the vitality and viability of Farnsfield through the creation of new opportunities for community, retail, cultural, leisure and tourism, where it is within the village envelope. Outside of the Village Envelope, uses will be supported that contribute to tourism and rural diversification, where they are in accordance with the wider policies of the Neighbourhood Plan, in particular FNP8 (Landscape).
- 7.5. Firstly, the proposal sets out the intention for the existing restaurant to be demolished – it is noted that this building is not of any historic or architectural merit and the redevelopment of the site could improve its current appearance and would utilise a brownfield site, making an effective use of land in accordance with chapter 11 of the NPPF. Policy DM8 considers the principle of replacement of non-residential buildings and explains that where they are related to established uses or proposed uses enabled by other criteria of this policy, planning permission will be granted for the replacement of non-residential buildings. Proposals will need to demonstrate that the buildings to be replaced originated from a permanent design and construction, are not of architectural or historical merit, have not been abandoned and are not suitable for conversion to other uses. The replacement building should be located within the curtilage of the site it is intended to serve.
- 7.6. It is noted that the building appears to originate from a permanent design and construction and is not of any architecture or historical merit. At a recent site visit the building appeared to be in current use and had not been abandoned. The application has been accompanied by a Statement which considers the potential reuse of the

building and why it would be beneficial for the building to be replaced. Justification for this approach includes optimising the use of the site by providing two modern purpose built café/restaurants with drive-thru facilities; provide a development which improves the massing and appearance of the site; provide additional employment opportunities and create an economic boost to the local area.

- 7.7. The building is currently in use as a restaurant, which is categorised as Use Class E(b) in the Town and Country Planning (Use Classes) Order 1987 (as amended) and the proposed buildings would be drive-thru premises (with the both containing an element of sit-in restaurant use) which is a sui generis use. The replacement buildings are not proposed to be in the same use as the existing premises, therefore the proposed use must be enabled by other criteria of policy DM8 to be acceptable in principle.
- 7.8. Roadside service uses are covered by exception point 10 of policy DM8 which states that proposals for roadside services in the countryside will not normally be supported unless a justified need for the particular location can be demonstrated. The scale of development should be restrained to the minimum necessary to serve the need and be designed to avoid an adverse impact on the surrounding landscape. To support the application two statements have been submitted from each of the proposed occupiers of the drive-thrus which detail their site selection process in assessing the commercial viability of locating at specific sites, and thus whether there is an identified need.
- 7.9. **For Starbucks:** The supporting Statement explains that Starbucks uses a bespoke analytical model to determine site suitability including factors such as road/commercial locations, proximity to competitor stores, visibility, proximity to existing network of Starbucks' stores and anticipated volume of traffic flows.
- 7.10. The Statement explains that this proposed store is expected to offer a more convenient offering to nearby communities such as Blidworth, Farnsfield, and Bilsthorpe, as well as playing an important role in further developing the business' roadside presence on a key local transport route. There is no other major coffee roadside outlet with a 9-mile radius and the next nearest Drive-Thru is on the A6191 to the east of Mansfield. The statement explains that there is no Starbucks Drive Thru within 15 miles and traffic flows past the site meet the businesses desired flows for an appropriate customer base. The site is also visible along the highway route.
- 7.11. Taking the above into account and having regard to the site's performance with respect to the key metrics, the Statement explains that the application site's location is considered commercially viable, and this proposal offers the potential to improve Starbucks' market penetration in the local area, i.e., to meet an identified need.
- 7.12. **For McDonalds (which was originally the proposed occupier for unit 2):** The supporting Statement explains that McDonalds use a model for site selection that considers the local population catchment, proximity to existing network of McDonald's restaurants and anticipated volume of traffic flow. The McDonalds model accepts that every site is unique in terms of revenue generators and that the level of influence and the importance of each fluctuates. As a general guide, a 10,000

population within a (non-overlapping) 8-minute drive time is typically sought by McDonald's to support a viable Drive-Thru restaurant.

- 7.13. This Statement explains that this application site is expected to provide a more convenient Drive-Thru offer to residents of neighbouring communities such as Blidworth and Farnsfield. Collectively, these settlements contain a population of c.7,300. However, an 8-minute (nonoverlapping) drive time isochrone for the application site contains a larger population of 18,020. The site therefore exceeds the population threshold established by the McDonald's analytical model by more than 80%.
- 7.14. In considering a site's relationship to McDonald's existing portfolio of restaurants, the Statement explains that the analytical model seeks to provide sufficient distance between existing restaurants. This helps to ensure that new developments are positioned to serve new (or less well penetrated) catchment areas. The nearest Drive-Thru restaurants to the application site are located at:
 - Oakleaf Close (6.9km away): The restaurant is located between an Aldi Foodstore and Building Merchants on the edge of Mansfield. It is surrounded by a concentration of industrial uses to the west – estimated to support 3,500 jobs – and residential communities such as Berry Hill (with a population of approximately 7,004) to the southwest. As such, the Statement explains that the restaurant serves a different market to that being targeted by the proposed development.
 - Ollerton (10.9km away): The restaurant is situated to the west of Ollerton (a settlement with a population of approximately 11,500) which serves as a key driver of trade for the restaurant. In this respect, the Statement explains that this restaurant is considered to serve a different market to that being targeted by the proposed development. Both the Ollerton restaurant and the application site are located adjacent to the A614. However, the two are situated more than 10km apart.
- 7.15. Turning now to traffic flows, the Statement explains that McDonald's advises that a minimum traffic flow of 10,000 Average Annual Daily Flow (AADF) is typically required for a site to be considered a suitable development opportunity. Using data triangulated from the Department for Transport, TomTom and mobile phone activity a traffic flow figure of 14,000 AADF has been identified for the application site which exceeds the McDonalds model by 40%.
- 7.16. Taking the above into account and having regard to the site's performance with respect to the key metrics, the Statement explains that the application site's proximity to existing restaurants in the surrounding area is considered commercially viable and this proposal offers the potential to improve McDonald's market penetration in the local area, i.e., to meet an identified need.
- 7.17. In terms of the scale of the buildings and whether they are of the minimum necessary to serve the need the agent has confirmed that both stores are the minimum floor area needed for the businesses to operate drive-thru premises. Following the

reduction in the floor area of unit 2 it has become too small for a McDonalds drive thru. Nonetheless, it is considered that the unit would be suitable for a similar business which would, for commercial reasons, have a similar site selection process.

- 7.18. Officers note that comments have been received from local businesses surrounding the site in relation to the impact this development could have on their businesses which have a food offering. Whilst noting these concerns, Officers would highlight that opposition to business competition is not a material planning consideration that can be given any weight in the determination of this application.
- 7.19. As the proposal includes main town centre uses (MTCU)¹ the NPPF (in addition to policies CP8 (Retail & Town Centres) and DM11 (Retail and Town Centre Uses) of the Development Plan) confirms that LPAs should apply a sequential test to such applications where these MTCUs would not be located in an existing centre. Essentially the policies detail a sequential approach whereby proposals for MTCUs shall firstly be located within a centre, then edge-of-centre and only if no suitable sites are available (or expected to become available within a reasonable period) will consideration be given to out-of-centre locations. DM11 follows the same approach (noting that the specific wording of this policy is due to be amended in the current Plan Review to align it with the national policy approach in the NPPF) and sets out that non-retail MTCUs in out-of-centre locations will be subject to the sequential approach as described above.
- 7.20. The application site is not in an existing town centre, therefore ordinarily, drive-thru facilities in this location would be subject to the sequential test. However, it is acknowledged that there is an existing MTCU business already on the site. Notwithstanding the fact that the proposal would increase the number of businesses on the site to two, given the proposed combined floor area of the two drive-thru units proposed (343.9sqm) would not exceed the useable (customer) floor area of the existing commercial premises on site (434sqm), then Officers are satisfied that, taking a pragmatic approach, it is not necessary to apply the sequential test in this case. This approach has been supported by comments made by the Council's Planning Policy Officer.
- 7.21. The proposal would also deliver economic benefits from the creation of approx. 40 jobs (20 full-time and 20 part-time) which would exceed the current employment levels at the site and would provide local employment opportunities which weighs positively in the assessment of the scheme.
- 7.22. Specific to hot food takeaways and fast food outlets, which the drive-thru in unit 2 could be used for, para.97 of the NPPF does not support this use: *"a) within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or b) in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social-behaviour."* Neither of these factors apply to the location of the site.

¹ As defined by the NPPF

- 7.23. Overall, based on the information supplied with this application it is considered that the principle of the replacement of this non-residential building is acceptable and complies with the requirements of DM8. The Applicant has also demonstrated that there is a need for these roadside services in this location and that the development has been restrained to the minimum necessary to serve the need. Whilst an assessment on the impact of the development on the character and appearance of the area will follow in a subsequent section of this report, it can also be concluded that the development has been designed to avoid an adverse impact on the surrounding landscape. The development is therefore considered to be acceptable in principle in accordance with policies CP8, DM8 and DM11 and the provisions of the NPPF which is a material consideration.

Impact on the Character and Appearance of the Area

- 7.24. 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. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.
- 7.25. Section 12 of the NPPF (Achieving Well Designed Spaces,) paragraph 127 states inter alia that development should be visually attractive as a result of good architecture, should be sympathetic to local character and history, and should maintain or establish a strong sense of place. Paragraph 130 of NPPF reinforces the above local policies, making clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 7.26. 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 area is characterised within Policy 'S PZ 7 – Oxtou Village Farmlands' of the Newark and Sherwood Landscape Character Assessment SPD as a Conserve and Create Area where landscape condition and sensitivity are defined as moderate.
- 7.27. The area is described as having a gently undulating topography with moderate visibility in and out of the area. The guidance specifically states that *“threats to the area include expansion further of leisure activities at White Post Farm, further break down of field pattern by removal of hedgerows due to agricultural intensification and expansion of urban centres of Bilsthorpe and Farnsfield into the area.”* The policy goes on to state that the detracting features of the area are the busy roads and concentration of commercial and leisure facilities around the White Post Farm area and advises that to conserve the integrity and rural character of the landscape new development should be concentrated around the existing urban fringe of Bilsthorpe

and Farnsfield. The existing field patterns should also be conserved by locating new small-scale development within the existing field boundaries and proposals should be of a sensitive design and appropriate siting.

- 7.28. The application site is broadly rectangular and contains a large car park area and a two storey, flat roofed, rendered and clad building on the southern side – see photos below. The site is bound by Old Rufford Road on the western side and dense trees along the northern and eastern boundaries. To the south is an existing garage business which adjoins the building on the application site.

VIEW 16 - Old Rufford Road



Panoramic Image: EXISTING VIEW

VIEW 17 - Old Rufford Road



Panoramic Image: EXISTING VIEW

- 7.29. This site sits around the White Post roundabout where there is a cluster of commercial, leisure and residential buildings. There are several farmhouses around the edges of the cluster. There are no heritage designations nearby and the site is not within a landscape with any statutory designations. Whilst being technically located within the open countryside, it is clear from the aerial image below that the site is located within a nucleus of development that has occurred around the roundabout and is well contained to its existing boundaries by the dense tree cover to the north and east, as well as existing businesses that lie to the east and south.



Site and Surrounding Area

- 7.30. The proposal is for the demolition of the existing building and erection of two drive-thru facilities, one on the southern and one on the northern side of the site. The existing building is flat roof in form, two-storeys in height and of a design that is distinctly of its time. The building has no historic or architectural merit and due to the various material treatments on the exterior and the general condition of the building it does not contribute positively to the character of the area. Nevertheless, it is noted that the site has well defined boundaries which contains the site from the wider open countryside and that there is extensive development to the west that is associated with the Wheelgate Park site and to the south-east associated with White Post Farm.
- 7.31. The proposed plans show the buildings would be positioned on an E-W alignments, orientated to face into the site and would be set back from the western boundary with the highway. The design of the buildings would be reflective of the corporate branding for each business and would be modern in design, utilising flat roof form and modern cladding materials with the Starbucks building containing a taller tower element containing signage (see images in the description of the proposal section of this report).
- 7.32. Officers note that there is scope to improve the current appearance of the site, and overall, the amount of gross internal area is proposed to be reduced with the proposed buildings compared to the amount of existing built form on the site. It is also acknowledged that whilst in a countryside location, the site is well contained and clustered around the roundabout which is characterised with commercial/tourism uses. However, equally it is noted that the subdivision of the buildings to either side of the site would increase the perception of development across the site and the intensification of use of the site with two separate businesses (that would arguably attract a greater patronage than the existing restaurant use) could have an adverse impact on the rural transitional character of the site on the exit from the roundabout west along Old Rufford Road. Given the NSDC Landscape Character Appraisal specifically cites the area surrounding the busy roads and commercial and leisure facilities around the White Post Farm roundabout as a threat to the landscape character, Officers are mindful of the potential visual impact of the subdivision of this site and addition of built form to the north.
- 7.33. Therefore, to consider these potential impacts the application has been accompanied by a Landscape and Visual Impact Assessment (LVIA) which assesses the baseline sensitivity of landscape character and visual amenity and the anticipated effects likely to arise from the development proposal.
- 7.34. The LVIA provides context to the Landscape Character area within which this site is located and explains that whilst the site shares some characteristics of the surrounding rural landscape, it is a developed site forming part of the concentrate nucleus of development close to the roundabout and the sensitivity of the proposal site is considered to be lower than the surrounding rural landscape. The condition of the proposal site is therefore considered to be Low and its sensitivity to change is also Low.
- 7.35. The LVIA considers a Zone of Theoretical Visibility (ZTV) of the development and notes this would be limited and restricted to the land immediately to the south of the site

up until the roundabout and land to the south-west of the roundabout past Hill House Farm. Using this ZTV the LVIA assesses 17 receptor viewpoint locations, selected to represent the experience of visual receptors from potentially susceptible locations.

- 7.36. The LVIA considered the potential impacts of the development in depth but as a summary, in terms of the effect upon the character of the landscape the LVIA concludes that the proposed buildings would assimilate well into the landscape being of low profile with the use of timber materiality and neutral colours. New trees would be planted in the car park and peripheral planting consisting of low native shrubs and trees would improve landscape infrastructure and the appearance of the site. The LVIA concludes that given the existing site context, the proposal would not affect the characteristic features of the Oxton Village Farmlands landscape character area as a whole and therefore an assessment for each of the landscape features (for example topography, water features, land use, vegetation etc) has been scoped out of this assessment. The conclusion is that the proposal could have a *'negligible beneficial'* overall effect on landscape character, i.e., little to no change to the character area and a minor amount of enhancement, however this is considered to be *'insignificant'*.
- 7.37. Turning now to the effect on visual amenity, the LVIA explains that the effect on most views gained from Old Rufford Road is considered to be *'negligible'* as only a small part of the proposal would be seen from surrounding receptors (due to a combination of topography and existing vegetation screening to the north and eastern boundaries). These effects are considered to be *'insignificant'*. Minor effects are considered to arise for a small number of near views as receptors pass close to the site (viewpoints 11, 12, 16 & 17 from the LVIA, all along Old Rufford Road), however the effect on these views is considered to be of *'low significance'* and not harmful to visual amenity as views would be of replacement buildings on an existing commercial site that is surrounded by other similar forms of development and would be well contained to the existing site boundaries.



L: View from the North looking towards the site. R: View from the South looking towards the site (note the development has been superimposed into these views as indicated with a red arrow)

- 7.38. Several of the LVIA viewpoints, including long distance views from elevated locations to the north and receptor viewpoints on public footpaths would not be affected. There would only be a very narrow glimpse of the proposal from Robin Hood Way in a single location near Hill House Farm to the south-west of the site, however this effect would be *'insignificant'* against the backdrop of other development surrounding the

roundabout. The LVIA also concludes that the proposal would not be seen from the surrounding rural landscape and effects on views are not considered to be significant or harmful. The overall effect of the proposal upon visual amenity is therefore considered to be *'negligible'* and *'insignificant'*.

- 7.39. The proposal includes signage which is covered by the concurrent advertisement consent application that has been submitted, however in visual terms it is considered that the signage would not be uncharacteristic for the location and would be appropriately scaled for the size of the site and buildings proposed. Additional planting is also proposed across the site, as well as the retention of existing boundary vegetation, to assist in softening the impact of the development and provide screening.
- 7.40. Overall, whilst noting the site is technically within a countryside location, the immediate character is one of a cluster of commercial, leisure and tourism uses, and it is not considered that the proposed drive-thru uses would be alien in this context. It is accepted that travelling north on Old Rufford Road away from the site there is a transition from this cluster around the roundabout to a more rural context, however, travelling towards the site from north to south the site is screened by existing boundary vegetation which would prevent any longer-range views on this transition and prevent the perception of development sprawling into the countryside. The drive-thru buildings, whilst overtly modern in appearance, would have relatively low-profile forms and would be notably smaller in footprint than other buildings in the immediate vicinity associated with other commercial enterprises. Taking this into account, along with the conclusions of the LVIA, it is considered that the development would not result in harm to landscape character or visual amenity.
- 7.41. Turning now to the impact on the part of the building proposed to be retained (which serves the adjacent garage business) – the Winner City building lies to the north of the garage building and has both a flying and creeping freehold, which means the applicant owns part of the building that extends above the garage (at first floor) as well as below (basement level). Following amendments, the plans would now see the retention of the first floor of the Winner City building which extends above the garage as shown in red below but the demolition of the remainder of the building:



- 7.42. Upon request the applicant has supplied details of how the partial demolition of the building would be carried out to ensure the structural integrity of the retained building is preserved. Details have also been provided on how the retained elevations of the

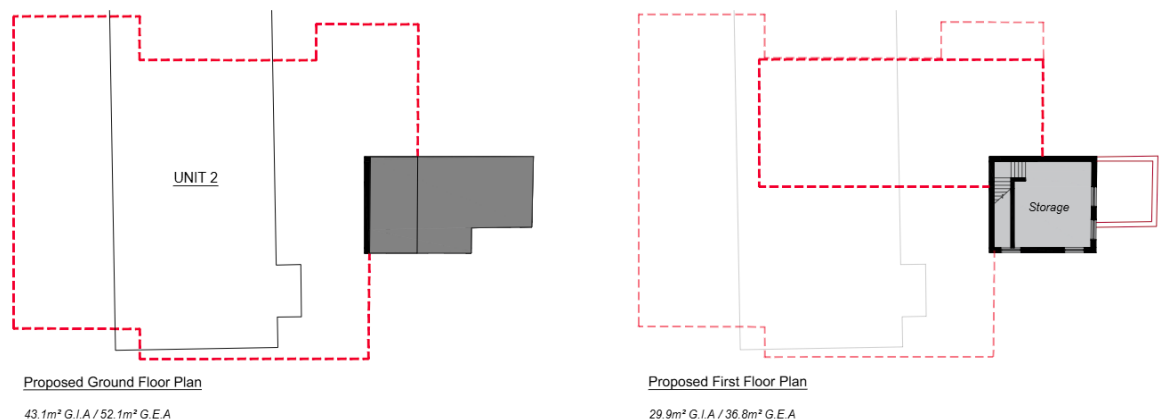
building would be treated (retaining the existing external wall and facing in red brick slips), to ensure that the building is suitably repaired following the demolition works. These details are considered to be acceptable.

- 7.43. Overall, given the context of the existing site and in light of the conclusions drawn above, the proposal would not be detrimental to the visual amenity and character of the area. It is therefore considered that the proposal would accord with the requirements of the abovementioned policies in this regard.

Impact on Amenity

- 7.44. Policy DM5 requires development to have a satisfactory relationship with neighbouring properties and land uses.
- 7.45. The site is currently in use as a restaurant, and it is accepted that surrounding uses are mostly visitor-based tourism and other commercial uses. The closest residential property to the site is to the south-west on the opposite side of the roundabout and beyond other commercial land uses. As such there would not be any overshadowing/overbearing or overlooking impact on any residential occupier as a result of the redevelopment of the site.
- 7.46. It is noted that the drive-thrus would operate 24/7 and there would be associated vehicular movements from deliveries and customers with vehicles idling around the drive-thru. The application has therefore been accompanied by a noise assessment which considers the potential impacts on the closest residential receptors from mechanical plant and vehicular movements associated with the proposed development. This assessment concludes that the noise impact from mechanical plant would be 'low', with a rating level consistent with '*No Observed Effect Level*', according to the Planning Practice Guidance on Noise. In terms of noise associated with vehicular movements, the assessment considers the potential impact of deliveries (day and night) and customer vehicle movements. The assessment concludes that there would not be any adverse impact on nearby receptors from daytime or nighttime deliveries as the noise rating level would be 'low'. Similarly, for customer vehicle movements in the day and night the assessment concludes that the noise impact would be 'low' (negligible and short term). The Council's Environmental Health Officer (EHO) has reviewed this assessment and raises no objection to its conclusions in this respect. Overall, it is therefore considered that the development would not have any adverse impact on nearby receptors. Concerns have been raised from adjacent business owners about the potential impact of the development on the adjacent animal park, however given the conclusions drawn by the Noise Assessment the EHO has raised no concerns or objection in this regard.
- 7.47. The EHO has also considered the potential impact of cooking odours from the proposed uses and has advised that any permission should include a condition that requires a suitable scheme for extract ventilation to be submitted and approved to prevent any adverse impacts through odour – this is considered to be reasonable given the nature of the uses and site context and could be requested to be submitted prior to first use of the premises.

- 7.48. In addition, as set out in the previous section of this report, following the demolition of the existing building on site the remainder of the building to the south would be retained. The impact on this adjacent business and ensuring that it can continue to operate is therefore an important consideration. Upon request the applicant has provided details of the works required to stabilise and make-good the remainder of the building which explains how parts of the ground and first floor of the building adjoining the neighbouring garage would be retained and the external elevations would be finished in a suitable facing material. The proposed ground and first floor plans below show the retained parts of the building.



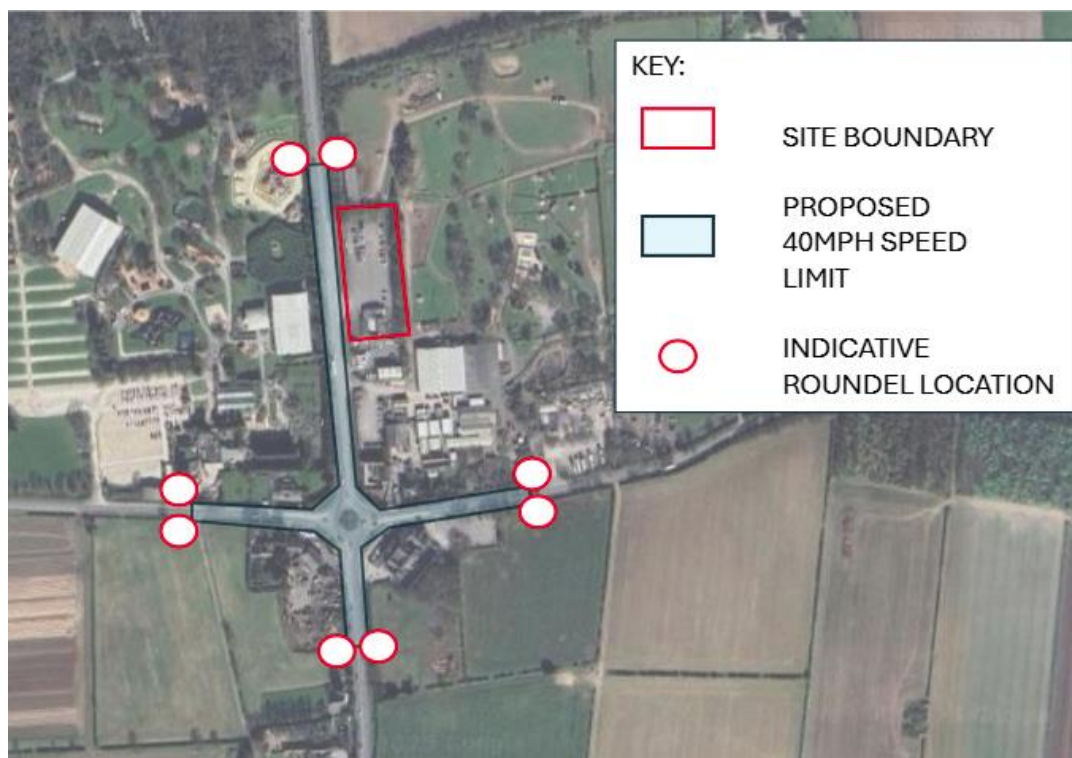
- 7.49. The application also includes details on the potential impact of the demolition and construction and is accompanied by a method statement which sets out proposed construction methods and working practices to ensure best practice measures are employed to minimise noise and dust. The EHO has reviewed this document and accompanying plan and has confirmed that this is adequate to prevent any adverse impacts during demolition and construction.
- 7.50. The EHO has also commented regarding the requirement for adequate ventilation and extraction details to prevent any odour nuisance and the agent had confirmed that this could be controlled by a suitably worded condition. It is also noted that the businesses currently utilise professionally managed odour ventilation systems and this would similarly be employed for the two units proposed. Concerns have also been raised about the potential for litter from the site, however the proposal would include appropriate refuse provision within the site, precise details of which would again be required by condition.
- 7.51. Therefore, given the conclusions above it is considered that the proposal would preserve the amenity of surrounding land uses and would therefore accord with Policy DM5 and the guidance in the NPPF in this regard.

Access and Highway Safety

- 7.52. Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms of the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking

provision.

- 7.53. The site currently takes access from the classified A614 Old Rufford Road, and the proposal previously included the repositioning of the access further north, broadly centrally along the site boundary, in addition to a reduction in parking provision across the site (when compared to the existing car park).
- 7.54. The A614 is a classified road and is subject to a 50mph speed limit in the vicinity of the site. There are refuges and a solid white line system which prevent overtaking on the A614. There is an extensive length of skid resistant surfacing on the southbound A614 approach to the A614 Old Rufford Road/C1 Mansfield Road (White Post) roundabout. The site is relatively close to the White Post roundabout, and the Highway Authority (HA) comments note that these experiences queuing at peak periods, including at weekends.
- 7.55. The supporting Transport Statement (TS) explains the context of the existing business (that employs 5 full-time employees) and proposed businesses (which would employ 40 staff) and how the proposal would see a reduction in usable/customer floor area across the site. The proposed uses would be open 24 hours a day throughout the whole year.
- 7.56. The application indicates that the proposed uses will have 20 full-time plus 20 part-time employees, with a total full-time equivalent of 40 staff. The applicant does not confirm how many staff will be in each unit at any one time. No information is provided on staff shift times.
- 7.57. Following consultation with the Local Highway Authority (LHA) and their concerns relating to the impact of increased traffic on the White Post roundabout to the south and on the revised access location and subsequent implications of the northbound climbing lane of the A461 amendments have been made to the scheme. It should be noted that the LHA agree the White Post roundabout is at capacity, and any additional demand from the proposed development would lead to a nominal increase in queueing on the northbound approach of the junction.
- 7.58. The measures proposed to mitigate the transport impacts of the proposal and to promote sustainable transport include: the application and implementation of a 40mph speed limit (the current speed limit is 50mph) for the area shown on the plan below, alongside an anti-skid treatment to the southern arm on the White Post roundabout; implementation of tactile paving along the eastern side of the A614 Old Rufford Road, alongside a 2m footway between the site access and the pedestrian crossing; revisions to the kerb radii of the existing access junction, removal of the deceleration land and implementation of 'Keep Clear' markings outside of the access; and a planning obligation of £75,000 towards the provision of a new pedestrian crossing facility on the eastern arm of the White Post roundabout across Mansfield Road and £20,400 towards the upgrade to the existing bus stop. In addition, the floor area of unit 2 has been reduced by 59.3sqm.



Plan showing extent of proposed 40mph limit

- 7.59. With regards to the access, the amended scheme now seeks to retain the existing access which would remove concerns over the otherwise reduction in length of the climbing lane to the north. Consideration has been given to the request to ban the right turn out of the site concluding that so long as suitable measures, including removal of the left turn deceleration lane and inclusion of a localised reduced speed limit were provided, the right turn out of the site would not pose particular concern. The reduction in the speed limit from 50mph to 40mph in the areas shown on the above plan would be secured via a pre-commencement planning condition.
- 7.60. Concerns raised with regards to distribution and assignment have been alleviated by the access layout allowing all manoeuvres but there remained issues with other elements of the distribution exercise undertaken. To mitigate the increased queue on the southern arm the applicant has offered to provide circa 150m of anti-skid surfacing to mitigate the issue, which is considered acceptable.
- 7.61. The LHA note the improved pedestrian accessibility to the site from the adjacent attractions, the footway on the eastern side of the A614 is proposed to be increased to 2m in width and tactile paving installed over the crossing of the northern arm and the adjacent access.
- 7.62. The submitted Travel Plans are not considered acceptable therefore it is necessary to include a condition for a Travel Plan to be submitted. The monitoring for this would be secured via a legal agreement which would also secure the planning obligations to upgrade the adjacent bus stops and towards pedestrian crossing facilities over Mansfield Road.
- 7.63. The site layout has been revised to allow the access to remain in its current location.

The LHA advise the revised layout provides more car parking spaces and better circulation than previous iterations, reducing the chance of conflict in the vicinity of the access. Details of the signing and lining to ensure that the layout is conveyed as clearly as possible to entering drivers would be secured via a condition.

- 7.64. Also, the swept paths of the delivery vehicle shown identifies that the room for delivery vehicles is constrained and there is a risk that issues may be encountered, which risks impact on the A614. The applicant has confirmed that they would be willing to accept a condition for a delivery management plan which will restrict the size of vehicles and the times that deliveries can take place, to avoid conflicts when the car park is busy. A car park management plan is also required and would be secured via a condition.
- 7.65. On the basis of the above it is therefore considered that the development would be acceptable in this regard in accordance with SP7 and DM5, in addition to the provisions of the NPPF.

Impact on Ecology

- 7.66. Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.

Habitats and Protected Species

- 7.67. Given the proposal would result in the demolition of an existing building that has the potential to support protected species a Preliminary Ecology Appraisal (PEA) has been submitted to accompany the application along with a Bat Survey Report (BSR) which presents the findings of two bat emergence surveys undertaken at the site.
- 7.68. THE PEA considers the presence/absence of protected species on the site and concludes that no protected species were identified on the site but makes recommendations for enhancement measures relating to birds, bats, invertebrates, and hedgehogs.
- 7.69. The BSR concludes that no bats were recorded emerging or re-entering the building to be affected by the development, however bats were recorded foraging and commuting across the site. Given there were no bats identified emerging from or entering the building no further recommendations are made in relation to additional surveys and it can be concluded that the demolition would not adversely affect bats. The BRS does, however, recommend that demolition is carried out outside of the bat activity and bird nesting season, any external lighting is appropriately cowed to reduce light spill and bat and bird boxes are installed as enhancement features to contribute to the favourable conservation status of bats. These measures are considered to be appropriate to be controlled by a suitably worded condition.
- 7.70. Overall, it is therefore considered that the proposal would comply with Policy DM7 of the DPD and Core Policy 12 of the Core Strategy in this regard.

Trees and Hedgerows

- 7.71. It is noted that the northern and eastern boundaries are formed by mature trees, some of which are in third party land beyond the fencing that encloses the site. The aerial image below shows the site and the positioning of the trees, noting the majority of the site is a sealed surface which extends up to the tree lines.



2022 Aerial Image of the Site

- 7.72. The application has been supported by an Arboricultural Report and Tree Protection Plan (TPP) which considers the potential impacts of the development on surrounding trees. The Report explains that the boundary trees are in a generally healthy condition, however some of the trees are growing close to the edge of existing hard surfacing which is likely to be impacting their rooting structure/growth.
- 7.73. The proposed plans would result in the removal of 10 trees:

Tree Number	Common Name	Category	Location
T5	Hornbeam	C2	
T6	Hornbeam	C2	
T7	Hornbeam	C1	
T8	Ash	C1	
T9	Hornbeam	C2	
T12	Ash	C2	
T14	Hornbeam	C2	

T15	Hornbeam	C2	
T16	Ash	C1	
T17	Ash	B3	

- 7.74. Whilst regrettable, it is noted that these trees are not protected by TPO or by virtue of being located within a Conservation Area and therefore could be removed without the prior consent of the LPA. In addition, the Tree Report explains that the removal of these trees would not impact on wider public amenity given there are other trees behind and adjacent which would still provide the appearance of a continuous tree line. Furthermore, the removal of these trees would be compensated for by replacement planting elsewhere on site – precise details of which could be controlled by a suitably worded condition.
- 7.75. The Tree Report goes on to consider the potential interaction of the development with trees to be retained around the perimeter and explains that these trees would not require any management works to implement the scheme given their canopy height and clearance is such there would be no conflict. The footprint of the buildings are positioned outside of the Root Protection Areas (RPAs) of the trees to be retained, so the Tree Report explains that the construction works to implement this would not directly impact on the trees. Hardstanding circulation spaces throughout the site would be adjacent to the trees, however this would be the same as the existing arrangement on site and subject to construction measures being implemented in accordance with the Tree Protection Plan (and Method Statement) the Arboriculturist advises that there would not be any greater effect on the adjacent trees than existing.
- 7.76. The Tree Report explains that there is the potential for impacts on the trees to the north of the site (T2-4, T10, T20-26) due to the construction of the drive-thru track around Unit 1 as this would cross the RPAs of these trees, however the Tree Report explains that this incursion is only partial and most of the RPAs of the trees at this point are already covered in hard surfacing. The Report therefore explains that it is likely that the existing root development of these trees has already developed running more parallel to the hard surface or at deeper depths where they will not be impacted by the removal of the existing tarmac and installation of a new access road. The age of the trees in relation to this surface means this is possible without significantly impacting their long-term health and viability. The canopy overhang from the trees is also sufficient that this would not interact with the building and would not impact on the future layout proposal or access. Subject to the implementation of the permission in accordance with the Tree Protection Plan and method statement, Officers consider the development would not have an adverse impact on the trees adjacent to the site.

- 7.77. Overall, it is therefore considered that the proposal would comply with Policy DM7 of the DPD and Core Policy 12 of the Core Strategy in this regard.

Biodiversity Net Gain (BNG)

- 7.78. In England, BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) for major developments from 12 February 2024 and 'minor sites' on 2 April 2024. BNG is an approach to development which makes sure a development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. This legislation sets out that developers must deliver a minimum BNG of 10% - this means a development will result in more, or better quality, natural habitat than there was before development.
- 7.79. As the application was submitted after the dates cited above and the development is not considered to fall within any of the exemptions in the legislation, BNG is mandatory for this proposed development.
- 7.80. The application has been accompanied by an amended BNG Report and Metric Calculation which have been reviewed by the Council's Ecology Officer. The Report explains that the main habitat areas currently present on site are 4208sqm of sealed surfaces with peripheral vegetation of 480sqm of neutral grassland. The main linear features currently present on site are lines of trees along the north and eastern boundaries, amounting to 137m.
- 7.81. The report explains that the planned development of buildings, parking area, access roads and footpaths is to be predominantly over existing sealed surfaces but will also result in the loss of 173sqm of neutral grassland and 30m of tree line. However, the ecological impact of the development is to be offset through the creation of 259sqm of similar neutral grassland to extend the peripheral habitat, 308sqm of modified grassland within the parking areas and at the entrance, and 100sqm of ornamental shrubs in beds around the buildings. The proportions of the two grassland types have been calculated to sufficiently offset the losses and would be achieved through proposed landscaping. Additionally, thirteen individual broadleaved trees are proposed to be planted within the parking area, and a line of trees is to be planted within the southern boundary patch of neutral grassland. This would result in a 49.37% net gain in habitat units and 19.51% reduction in hedgerow units.
- 7.82. The Council's Ecology Officer has reviewed the proposals and advised that the proposal has maximised the opportunity to conserve, enhance and restore biodiversity and is therefore compliant with this aspect of Core Policy 12. The submitted Biodiversity Net Gain Assessment (BNG) and associated Statutory Biodiversity Metric (SBM) contain errors that will require amendment. However, in this instance, if the applicant and their ecologist agree with his assessment, this can be resolved at the time of discharging the deemed biodiversity gain condition, which is a pre-commencement condition. To meet the deemed biodiversity gain condition off-site biodiversity units will have to be purchased. And all the post-development greenspace will represent significant on-site enhancement and will need to be secured

by an appropriate planning condition.

- 7.83. Overall, it is therefore considered that the proposal would comply with Policy DM7 of the DPD and Core Policy 12 of the Core Strategy in this regard.

Flood Risk/Drainage

- 7.84. Core Policy 10 (Climate Change) (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. Policy DM10 (Pollution and Hazardous Substances) sets out that ground and surface water issues, which have the potential for pollution should be taken account of, and their potential impacts addressed. Core Policy 9 also requires new development proposals to pro-actively manage surface water. The NPPG is clear of the importance of sustainable drainage systems as a means of control for surface water run off to mimic natural drainage as closely as possible.
- 7.85. Notwithstanding comments that have been received from third parties in relation to flooding concerns, it is noted that the site is within Flood Zone 1 on the Environment Agency flood maps, which means it is at low risk of flooding. Nevertheless, the application has been accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy. The FRA explains that the ES's flood map also identifies the site as being at very low risk (less than 0.1% annually) of surface water flooding.
- 7.86. It is noted that surface water flooding can be exacerbated if a development increases the amount of hard surfacing/impermeable area on the site which has the potential to change the surface water flow of the site and the surrounding area. Therefore, it is important to ensure that any surface water flows generated by the change to impermeable area are collected on site and do not pass into neighbouring land. In this case it is noted that the majority of the site is already covered by hard surfacing and the development would not seek to increase this. Nevertheless, the FRA explains that the proposed drainage system would ensure that any potential for additional flow would not impact any other areas of the site or increase the risk of surface water flooding in the area.
- 7.87. In terms of foul drainage, the FRA explains that there is a public foul sewer running directly from the site that then runs adjacent to Old Rufford Road. This sewer then converts to a public foul sewer which continues to run along Old Rufford Road.
- 7.88. The supporting Drainage Strategy explains that following site investigations infiltration is unfeasible for the development and the closest watercourse is beyond significant third party with restrictive topography meaning it is unsuitable to discharge flows from the development. Surface water runoff would therefore be discharged to the existing highway drainage sewer system to the west of the development site.
- 7.89. The drainage Strategy explains that surface water discharge would be restricted using a flow control in accordance with best practice guidelines and surface water flows in exceedance of the recommended discharge rate would be attenuated on site using underground cellular storage attenuation. Foul drainage from the proposed

development would be discharged to the existing Severn Trent foul sewers surrounding the site. The Drainage strategy explains that a pre-development enquiry has been submitted to Severn Trent which has approved the proposals. The accompanying Plan to the Drainage Strategy also shows the site would utilise permeable paving around the car parking areas.

- 7.90. Overall, with the Drainage Strategy submitted the development would not increase the risk of flooding within the site or to third party land. NCC as the Lead Local Flood Risk Authority have been consulted on the application and have commented that standing advice is applicable, the relevant parts of the standing advice require developments not to increase flood risk to the site or third parties, to consider drainage in accordance with the hierarchy of (infiltration, watercourse, sewer) and incorporate SUDs where feasible. The submitted details comply with the Flood Risk standing advice and the proposal is therefore considered to be acceptable in this regard subject to a condition requiring the implementation of the submitted Drainage Strategy.

Planning Obligations

- 7.91. Existing bus infrastructure in the vicinity of the site consists of NS0050 White Post Farm, raised boarding kerbs and wooden shelter, and NS0051 White Post Farm, raised boarding kerbs and wooden shelter. Nottinghamshire County Council has requested a planning obligation of £20,400 to be paid to provide improvements to these two bus stops. The improvements are justified in that they would meet the access standard set out in the Council's Highway Design Guide with bus stop facilities that meet the standard set out in the Appendix to the Council's Public Transport Planning Obligations Funding Guidance.

- 7.92. The obligation would provide for the following improvements:

NS0050 White Post Farm – Real time bus stop poles and displays including electrical connections, shelter refurbishment or other enhancements as required.

NS0051 White Post Farm – Shelter refurbishment or other enhancements as required.

- 7.93. On this basis it is considered that the obligation would meet the relevant tests of being necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 7.94. In addition to this monitoring fees for the onsite BNG and Travel Plan will also be secured via the legal agreement. The applicant has agreed to the requested obligations and monitoring and details are set out in the draft legal agreement which has been published online.

- 7.95. Legal Agreement Heads of Terms

- £20,400 paid to provide improvements to the two bus stops NS0050 & NS0051
 - a. NS0050 White Post Farm – Real time bus stop poles and displays including electrical connections, shelter refurbishment or other enhancements as required.

b. NS0051 White Post Farm – Shelter refurbishment or other enhancements as required.

- £75,000 towards the provision of a new pedestrian crossing facility on the eastern arm of the White Post roundabout across Mansfield Road.
- Management and monitoring fee for Travel Plan.
- Management and monitoring of on-site BNG including a monitoring fee for on-site BNG.

Other Matters

- 7.96. Health & Wellbeing – Officers note that third party comments raise concerns about the impact of the development on people health and wellbeing, the risk of increasing obesity, pressure on the NHS and attraction of the fast-food outlet to children using surrounding local businesses. Chapter 8 of the NPPF discusses promoting healthy communities. Para. 96c. states that planning decisions should enable and support healthy lifestyles, especially where this would address identified local health and well-being needs, for example through the provision of access to healthier food. Under para.97 the refusal of planning applications for hot food takeaways and fast-food restaurants is advised in certain circumstances. It is not considered that these circumstances apply to the application site as detailed below.
- 7.97. The Council does not have a development plan policy which dictates how to assess the potential accumulation of fast-food businesses (as is typically the case for more urban authorities) but nevertheless it is noted that there is not an accumulation of such uses in the vicinity of the application site. Officers also note that there is no evidence to suggest that obesity levels are of a significant concern locally and note that the site is not on a key walking route between schools (which would have the potential to expose children to these fast-food outlets without supervision). Any children visiting the surrounding leisure/tourism and day nursery facilities would be under adult supervision but notwithstanding this fact, it is not considered that the proposed development would impact the health and wellbeing of local residents.
- 7.98. Third party comments also reference the potential for an increase in anti-social behaviour as a result of the development, however there is nothing to suggest that this would be the case and the fear of crime and antisocial behaviour is not a material planning consideration.
- 7.99. Other benefits - In addition to the 40 full/part time jobs that would be created by the development, the supporting statements to the application explains the development could also support construction jobs, generate an additional £7.9 million of Gross Value Added during construction; generate £2.1 million of additional Gross Value Added per annum through direct operational employment; and deliver an uplift in business rates revenue in the order of £35,000 per annum. These socio-economic benefits would weigh positively in favour of the scheme.
- 7.100. Land Contamination – The Application is accompanied by a Desk Study and Preliminary Risk Assessment which includes an environmental screening report, an assessment of potential contaminant sources and a brief history of the sites previous uses. The

Council's Contaminated Land Officer (CLO) has reviewed this report and advised that a site walkover has not been completed as part of the desktop and is recommended prior to the Phase 2 intrusive investigation. In addition to this the CLO comments explain they would expect a pre-demolition asbestos survey and petroleum license search of the property given the adjacent former filling station. They note that the former filling station is described as being decommissioned, however there is no evidence detailing how this was done and to what level or whether any contamination risks remain. The CLO concludes that they would expect this to be clarified and evidenced and therefore request the use of the full phased contamination condition to support the recommendations for additional work to support the desktop and for a full phase 2 intrusive investigation. Given the previous land uses this is considered to be reasonable.

8.0 Implications

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

8.2. Legal Implications – LEG2526/9688

8.3. Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application. Legal Services will need to be instructed in relation to the drafting and negotiation of the s106 Agreement.

9.0 Conclusion

9.1. Overall, the principle of development has been found to be acceptable, a justified need for the particular location has been demonstrated, the scale of development has been restrained to the minimum necessary to serve the need and the units have been designed to avoid an adverse impact on the surrounding landscape. The proposal would also deliver wider socio-economic benefits and would utilise an existing brownfield site. No adverse impacts have been identified in respect of impact on the character and appearance of the area, amenity, highways safety or flooding/drainage and whilst there would be some tree removal, this would be mitigated by replacement planting and an on-site biodiversity net gain that exceeds the requirements of the relevant legislation.

9.2. The application is therefore considered to accord with the Development Plan and provisions of the NPPF, which is a material consideration. It is therefore recommended that the application is approved, subject to the conditions listed below and the signing of a S106 agreement in respect of Biodiversity Net Gain and other financial contributions addressed above.

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

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

- 4421_PL01B Location Plan (deposited 29.07.2024)
- 4421_PL06 Proposed Floor Plans – Unit 1 (deposited 29.07.2024)
- 4421_PL07 Proposed Elevations – Unit 1 (deposited 29.07.2024)
- 4421_PL05P Proposed Site Plan (deposited 13.10.2025)
- 4421_PL08C Proposed Floor Plans – Unit 2 (deposited 13.10.2025)
- 4421_PL09B Proposed Elevations – Unit 2 (deposited 13.10.2025)
- 4421_PL12B Proposed Signage Plan – Unit 2 (deposited 13.10.2025)
- 4421_PL14.1A Proposed Perspectives 1 (deposited 13.10.2025)
- 4421_PL14.2A Proposed Perspectives 2 (deposited 13.10.2025)
- 4421_PL14.3A Proposed Perspectives 3 – Unit 1 (deposited 13.10.2025)
- 4421_PL14.4A Proposed Perspectives 4 – Unit 2 (deposited 13.10.2025)
- 4421_PL14.5A Proposed Perspectives 5 – EV Chargers (deposited 13.10.2025)
- 4421_PL15.1C Proposed Floor Plans – Part Demolished Building (deposited 13.10.2025)
- 4421_PL15.2C Proposed Elevations – Part Demolished Building (deposited 13.10.2025)
- 4421_PL16A Construction Set Up Plan (deposited 13.10.2025)

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

03

No development above damp-proof course shall take place until manufacturers details (and samples upon request) of the external facing materials 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 the interests of visual amenity.

04

No development shall commence until an application for a traffic regulation order as indicatively shown within the Supplementary Technical Note is made. Any measures subsequently approved shall be implemented within 6 months of the date of that approval.

Reason: In the interests of highway safety.

05

The development shall not come into use until the access works as indicatively shown on drawing number STH_111_001_02 rev 3 and a minimum length of 150m of anti-skid surfacing on the A614 northbound approach to Whitepost Roundabout has been provided.

Reason: In the interests of highway safety.

06

The development shall not be brought into use until a Delivery Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Delivery Management Plan shall set out the following:

- a. Location of loading/unloading areas for both units and means of demarcation
 - b. Hours of operation for deliveries/servicing
 - c. Frequency and timing of vehicles
 - d. Types and size of vehicles expected
 - e. Requirement for occupiers to enter into agreements with suppliers to comply with delivery restrictions
 - f. Requirement for occupiers to keep records, to be made available to the Local Planning Authority on request
 - g. Monitoring and enforcement mechanisms
 - h. Review or update mechanism.
- The Delivery Management Plan shall then be adhered to for the lifetime of the development.

Reason: In the interests of highway safety and to ensure that there are sufficient car parking spaces available commensurate with the development.

07

The development shall not be brought into use until a Car Park Management Plan has been submitted to and approved in writing by the Local Planning Authority. As a minimum it shall include the arrangements for all parking onsite and include provisions for managing, monitoring, enforcement and review. All on-site parking spaces shall be solely for the use of the development hereby approved and shall not be used for any other purpose. The approved plan shall be implemented as soon as the development is first brought in to use and shall remain in place thereafter.

Reason: To ensure that sufficient car parking is available to meet the development needs, in the general interests of highway safety.

08

The development shall not be brought into use until signing and lining within the car park has been provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

09

Notwithstanding the submitted versions, which are not approved, no part of the development hereby permitted shall be brought into use until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanisms) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the potential for sustainable transport movements is secured.

10

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's ['Land contamination risk management \(LCRM\)'](#)

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11

The use hereby permitted shall not be begun until a scheme for protecting the neighboring occupier to the south, Ruford Garage, from noise from the drive-thru café/restaurant and associated drive through track has been submitted to and approved in writing by the local planning authority. The scheme shall be in line with

details outlined in the 'Clear Acoustic Design comment on the impact of noise on Rufford Garage' dated 11/11/2024. All works which form part of the scheme shall be completed before any part of the approved development is first brought into use. The scheme as approved shall be retained for the lifetime of the development.

Reason: In the interests of the amenity of neighbouring occupiers.

12

No development shall be commenced until details of the means of foul drainage and surface water disposal have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details.

Reason: To ensure the provision of satisfactory means of foul sewage/surface water disposal.

13

Prior to first occupation/use of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. 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;
- car parking layouts and materials;
- hard surfacing materials.

Reason: In the interests of visual amenity and biodiversity.

14

The approved hard and soft landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. If within a period of 5 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

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

15

The development hereby permitted must not commence and no preparatory operations in connection with the development hereby permitted (including demolition, site clearance works, fires, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a detailed Arboricultural Method Statement (AMS) prepared in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations', has been submitted to and approved in writing by the Local Planning Authority and all protective fencing has been erected as required by the AMS.

The AMS must include full details of the following:

- a) The timing and phasing of any arboricultural works in relation to the approved development;
- b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works;
- c) Details of a Tree Protection Scheme in accordance with BS5837:2012 which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are to be retained or which are the subject of any Tree Preservation Order;
- d) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the Tree Protection Scheme;
- e) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees on the site. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no services shall be dug or laid into the ground other than in accordance with the approved details;
- f) Details of any changes in ground level, including existing and proposed spot levels, required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme;
- g) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the AMS.

Reason: To ensure the adequate protection of the existing trees and hedgerows on the site during the construction of the development

16

Before the use hereby permitted commences, the scheme for the installation of any equipment proposed to control the emissions of fumes and smell from the premises, shall be submitted to and approved in writing by the Local Planning Authority. The approved equipment shall be installed before the development is occupied or first brought into use and operated and maintained in accordance with the manufacturer's instructions throughout the lifetime of the development.

Reason: In the interests of the amenity of neighbouring occupiers.

17

Demolition of the existing building shall take place in accordance with the following precautionary measures: a) Demolition manager to be briefed on appropriate

ecological sensitive measures; b) Roof tiles and associated felt and other roofing materials to be removed by hand; c) Provision to be made for an ecologist to be available should a bat be discovered; and d) Demolition to be done between October-February inclusive.

Reason: To safeguard protected species as required by the National Planning Policy Framework, Policy DM5 of the Allocations and Development Management DPD and Core Policy 12 of the Amended Core Strategy (2019) Method of Working has been implemented satisfactorily. cautionary Working Methods – Bats

18

The development shall not commence until, a "lighting design strategy for biodiversity" for the proposed development has been submitted to and approved in writing by the local planning authority. The strategy shall: a) identify those areas/features on site, or immediately adjacent to it, that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans showing lux levels and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure compliance with the NPPF requirements to minimise impacts on priority species and compliance with Amended Core Strategy Core Policy 12 requirements for the protection and conservation of species of principal importance.

19

The approved development shall not commence until a bat and bird box plan has been submitted to, and been approved by, the local planning authority. The plan is to show the type and location of the proposed boxes (two bat boxes and two bird nest boxes), and details for fixing them into place (including height). The approved boxes shall be installed prior to first use of the approved development and photographic evidence of the installed boxes to be submitted to, and be approved by, the local planning authority to fully discharge the condition.

Reason: To provide a measurable gain for biodiversity as required by the NPPF, and maximise opportunities to enhance biodiversity as required by Core Strategy Policy 12.

20

No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the local planning

authority. Any trees, shrubs or hedges which die, are removed, or become seriously damaged or diseased within five years of being planted, shall be replaced with trees, shrubs or hedge plants in the next planting season with others of similar size and species.

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

21

The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan, has been submitted to and been approved in writing by, the local planning authority. The HMMP shall include:

- (a) A non-technical summary in the form of an annotated plan;
- (b) The roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (c) The location of the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) The long-term management measures to maintain habitats in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

B. Notice in writing shall be given to the Council when the HMMP works have started.

C. Within 6 months of completion of the approved development:

- (a) The habitat creation and enhancement works set out in the approved HMMP shall be completed; and
- (b) A completion report, evidencing the completed habitat enhancements, shall be submitted to, and be approved in writing by the Local Planning Authority.

E. The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

F. Monitoring reports shall be submitted to the local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and to ensure compliance with the NPPF in relation to biodiversity matters and compliance with Amended Core Strategy Core Policy 12 Biodiversity and Green Infrastructure.

Informatives

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 accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (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/

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

Note from Cadent Gas:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

04

An amended version of the 'Biodiversity Net Gain Calculation' (Ref. S7199) Report dated 07/10/2025 prepared by Betts Ecology and associated Statutory Biodiversity Metric shall be submitted to, and be approved in writing by, the local planning authority. The Biodiversity Gain Plan shall be prepared in accordance with the principles set out in the approved documents. A.

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 - 24/01338/FUL

