

Unit 1, 23 London Road,  
Newark, NG24 1TN

Planning, Design, and Access  
Statement

01 March 2024

**LICHFIELDS**

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## 1.0 Introduction

- 1.1 The Planning Statement has been prepared by Lichfields and this application seeks planning permission for the change of use of a retail outlet, formerly EURO supermarket, at Unit 1, 23 London Road, Newark, NG24 1TN (“the site”) to facilitate the occupation of the unit as a restaurant/ hot food takeaway.
- 1.2 This application seeks full planning permission for the following:  
“Change of use from retail (Use Class E) to restaurant/ hot food takeaway use (Use Class E / Sui Generis) and associated works”
- 1.3 The site is located within the administrative boundary of Newark and Sherwood District Council. The purpose of this statement is to assess the application proposals against the Council’s Development Plan, as well as other material considerations, including relevant national planning policies.
- 1.4 This Statement should be read in conjunction with other document which accompany this application, including:  
Completed application form for a full planning application;  
Heritage Impact Assessment, prepared by Lichfields;  
Highways Supporting Statement, prepared by AMA;  
Odour Control Assessment, prepared by CDM Partnership;  
Noise Impact Assessment, prepared by Encon Associates Limited;  
Application Drawings, prepared by AEW
- 1.5 The structure of this statement is as follows:  
Section 2.0 – summaries the background of the application proposals;  
Section 3.0 – provides a summary of the application proposals;  
Section 4.0 – sets out the relevant national and local planning policy;  
Section 5.0 – assesses the development against the relevant planning policies;  
Section 6.0 – outlines how the dimensions of sustainable development have been considered;  
Section 7.0 – provides conclusions on all of the above.

## 2.0 Site Context

### Site and Surroundings

- 2.1 The site was most recently occupied by EURO supermarket (Use Class E). The shop has ceased trading, and the unit is now vacant.
- 2.2 The site is located off London Road within an existing commercial development. A range of commercial uses are located adjacent to the site including an Odeon Cinema, Costa Coffee, and Dominos Hot Food Takeaway. The site fronts onto an existing car park. A Petrol Filling Station is located to the west of the site.

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Figure 2.1 The Site



Source: Lichfields, 2024

- 2.3 The site is located within Flood Zone 1, meaning it has a low risk of flooding.
- 2.4 The site is located in Newark Conservation Area and Newark's Historic Core.

### Accessibility

- 2.5 The site is currently served by an existing access off London Road. It is also served by an existing car park.
- 2.6 A bus stop is located approximately 90m to the south west, along London Road, and another approximately 190m to the southeast. There are further bus stops within the town centre, and Newark Bus and Coach station c. 300m northwest.
- 2.7 The site is accessible for pedestrians with footpaths along London Road. The site is also within a short walk from Newark Town Centre.

### Planning History

- 2.8 The site has an extensive planning history, and relevant applications are outlined below.

- 2.9 In 2005, planning permission was granted for the “Construction of 5 screen cinema and first floor and three A3 retail units” (ref. 04/02961/FULM). This permission was subject to the following condition:
- Condition 7 – “There shall be no sales of hot takeaway food or drinks from any of the A3 retail premises hereby approved. The sale of hot food and drinks in relation to the permitted A3 use shall be restricted to on site sales only, unless express planning permission has been granted by the Local Planning Authority”
- 2.10 In 2008, planning permission was granted for “Use of Unit 3 to allow hot food takeaway (Use Class A5) and the associated installation of air conditioning units/plant to roof.” (ref. 08/00031/FUL). This is the unit now occupied by Dominos.
- 2.11 In 2008, planning permission was granted for the “Change of use of units 1&2 from A1 to D2” (ref. 08/00587/FUL). This does not appear to have been implemented for Unit 1 or 2.
- 2.12 On the basis of the planning records available, the established use of Unit 1 (ie the subject premises) appears to be as a shop (Use Class E(a) - previously Use Class A1).

## 3.0 Proposed Development

3.1 This application seeks planning permission for the change of use of the existing retail unit (Use Class E) to a restaurant/ hot food takeaway (Use Class E / Sui Generis) to facilitate its use as a restaurant/ hot food takeaway.

3.2 This application seeks full planning permission for the following:

“Change of use from retail (Use Class E) to restaurant/ hot food takeaway use (Use Class E / Sui Generis) and associated works”

3.3 The following external works are proposed:

New Shopfront; and

External AC Condensers and Extract Grills

3.4 This section of the Statement describes the design principles that have been applied in developing the proposed development, specifically in relation to the proposed drive-to restaurant’s use, layout, scale, appearance, landscaping and access.

Figure 3.1 Existing and Proposed Elevations



Source: AEW Architects, 2024

## Use and Layout

- 3.5 The unit will operate as a restaurant / hot food takeaway (Use Class E / Sui Generis).
- 3.6 No extensions are proposed and the restaurant / hot food takeaway will operate out of the existing unit. The customer entrance is located to the front of the store. A dedicated access for delivery drivers (takeaways) is located to the rear. Main deliveries will be serviced to the front. The proposals will utilise existing drainage arrangements.
- 3.7 The wider site comprises car parking areas, along with a servicing area, pedestrian and vehicular accesses and associated landscaping.

## Appearance

- 3.8 A new shopfront is proposed. Doors and window frames are RAL 7022 Umbra Grey. The shopfront has been designed to match the existing window grid.

## Landscaping

- 3.9 No alterations to the existing landscaping on the wider site are proposed as part of this application. The existing hedgerows and trees onsite would be unaffected by the proposals.

## Access

- 3.10 The site is accessed as by vehicles and pedestrians as existing. Patrons will be able to park in the existing car park to the front of the unit.
- 3.11 Delivery drivers (takeaways) will be able to collect orders from the rear of the site.
- 3.12 There is an existing service area to the north-east of the building complex where servicing can take place, as per the existing situation. Servicing is expected to occur 3 – 4 times per week, generally outside the busy operational periods.

## Sustainability

- 3.13 Section 6.0 outlines the environmental sustainability measures that will be incorporated as part of the proposals.

## 4.0 Planning Policy Context

- 4.1 This section of the Planning Statement outlines the planning policy context against which the application should be assessed. The Planning and Compulsory Purchase Act 2004 at Section 38 (6) requires the determination of planning applications to take place in accordance with the development plan unless material considerations, such as the National Planning Policy Framework, indicate otherwise.

### National Planning Policy Framework (NPPF)

- 4.2 National Planning Policy Framework (NPPF) (December 2023)
- 4.3 National planning policy for England is set out in the Government’s National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). The overarching aim of the NPPF is to proactively deliver sustainable development to support the Government’s economic growth objectives and deliver the development the country needs.
- 4.4 Paragraph 7 of the NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, broadly defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”. Paragraph 8 sets out the following three interdependent dimensions of sustainable development which are to be pursued in mutually supportive ways:

An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

An environmental objective - to contribute to protecting and enhancing our natural, built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 4.5 Paragraph 11 of the NPPF states that there should be:

“...a presumption in favour of sustainable development...For decision-taking, this means:

- c approving development proposals that accord with an up-to-date development plan without delay; or
- d where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”

4.6 Paragraph 115 of the NPPF sets out that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

4.7 Paragraph 131 of the NPPF confirms that good design is a key aspect of sustainable development; and further to this Paragraph 135 highlights that planning decisions should ensure that developments:

- a “will function well and add to the overall quality of the area, not just for the short term but over the lifetime of development;
- b are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;  
[...]
- f create places that are safe, inclusive and accessible...”

## The Development Plan

4.8 The Statutory Development Plan for Newark & Sherwood District Council comprises:  
Amended Core Strategy DPD (adopted March 2019); and  
Allocations and Development Management DPD (adopted July 2013)

4.9 The adopted Policies Map shows the site as ‘white land’ and is not allocated for any particular use. The site is located within the Newark Town Centre Boundary and within Newark Conservation Area and Newark’s Historic Core.

4.10 A number of Core Strategy policies are considered to be of relevance to the determination of the application, as follows:

Spatial Policy 1 (Settlement Hierarchy) – defines Newark as a ‘Sub-Regional Centre’ being “the main location for investment and new services and facilities within the District”.

Spatial Policy 2 (Spatial Distribution of Growth) – sets out that Newark Town Centre will act as a focus for new retail, cultural and leisure development.

Spatial Policy 7 (Sustainable Transport) – sets out that requirements for development proposals in terms of sustainable transport including minimising the need for travel and providing safe, convenient and attractive access for all.

Core Policy 8 (Retail & Town Centres) – seeks to maintain the vitality and viability of centres following the sequential approach. It defines Newark Town Centre as the Regional Centre/ Town Centre as the “Principal focus of new and enhanced retail

and other main Town Centre uses (as defined in the National Planning Policy Framework) in Newark & Sherwood” at the top of the Hierarchy of Centres.

Core Policy 9 (Sustainable Design) – seeks to ensure that all new developments demonstrate a high standard of sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the district.

Core Policy 10 (Climate Change) – sets out that new proposals for development should minimise the impacts on natural resources and encourage the use of renewable resources and be efficient in the consumption of energy, water and other resources.

Core Policy 14 (Historic Environment) – seeks to protect and enhance Newark & Sherwood’s Historic Environment including the preservation and enhancement of conservation areas.

Policy NAP 1 (Newark Urban Area) - Part D of Policy NAP1 sets out policies for Newark Town Centre including “Promoting the re-use of vacant and underused shops and other buildings within the town centre”.

4.11 A number of Allocation and Development Management policies are considered to be of relevance to the determination of the application, as follows:

Policy DM1 (Development within Settlements Central to Delivering the Spatial Strategy) – supports leisure development appropriate to the size and location of the settlement and its status in the settlement hierarchy.

Policy DM5 (Design) – sets out design requirements for development proposals.

Policy DM9 (Historic Environment) – sets out that all development proposals concerning heritage assets will be expected to secure their continued protection or enhancement, contribute to the wider vitality, viability and regeneration of the areas in which they are located and reinforce a strong sense of place.

Policy DM10 (Pollution and Hazardous Materials) – set out that proposals will the potential for pollution should address their potential impacts.

Policy DM11 (Retail and Town Centre Uses) – supports new and enhanced retail development and other town centre uses that consolidate the composition of Newark town centre.

## 5.0 Planning Assessment

### Principle of Development

- 5.1 The site is located within Newark. Spatial Policy 1 identifies Newark as a ‘Sub-Regional Centre’ being “the main location for investment and new services and facilities within the District” with proposals such as this within the urban boundaries of the sub-regional centre also being supported by Policy DM1. Spatial Policy 2 outlines that Newark Town Centre will act as a focus for new retail, cultural and leisure development.
- 5.2 The existing unit is located within an existing commercial development within Newark Town Centre. Core Policy 8 defines Newark Town Centre as the “Principal focus of new and enhanced retail and other main Town Centre uses”. In this context, the site is located in a sequentially preferable location for development where main town centre uses are directed and supported.
- 5.3 Policy DM11 seeks to retain retail uses within the Primary Shopping Frontage. The site is not located in the Primary Shopping Frontage and therefore restrictions on non-retail uses within the Primary Shopping Frontage do not apply.
- 5.4 Whilst the original approval (ref. 04/02961/FULM) for retail development on this site was subject to a condition which restricted the sales of hot takeaway food or drinks from any of the A3 retail premises, there is an established precedent for the removal of this condition through the approval of the change of use application for the Use of Unit 3 to allow hot food takeaway (Use Class A5) in 2008 (ref. 08/00031/FUL).
- 5.5 Part D of Policy NAP1 encourages “Promoting the re-use of vacant and underused shops and other buildings within the town centre”. The proposed site has been vacant for a number of years and the proposals will enable a prominent unit within the Town Centre to come back into use, in accordance with the principles set out in Policy NAP1.
- 5.6 As such, it is clear that the proposed development is in accordance with Spatial Policy 1, Spatial Policy 2, Core Policy 8, Policy DM1, Policy DM11 and Policy NAP1.

### Design & Heritage

- 5.7 The proposed restaurant / hot food takeaway will be contained wholly within the existing unit and no extensions are proposed.
- 5.8 A new shopfront is proposed. The shopfront will be similar to the existing shopfront, with RAL 7022 Umbra Grey coatings. The proposed AC condensers and extract grills are located to the rear of the unit.
- 5.9 A Heritage Impact Assessment has been submitted with this application. This confirms that in summary, the setting of the Beaumont Cross, as a listed building and Scheduled Monument would be preserved. Its significance would also be preserved. The significance and character and appearance of the Newark Conservation Area would be preserved. The statutory and policy tests outlined in this document have therefore been met.
- 5.10 Therefore, the proposed development is in accordance with Core Policy 9, Core Policy 14 and Policies DM5 and DM9.

- 5.11 Sustainability measures utilising renewable energy resources and providing efficient use of energy, water and other resources, as set out in more detail within Section 6.0, have been incorporated into the proposed development in accordance with Core Policy 10.

## Highways & Access

- 5.12 The submitted 'Highways Supporting Statement' prepared by AMA outlines that the site is located in a sustainable location, with easy access via walking, cycling, and modes of public transport. It also demonstrates that the site can be safely accessed by customers and delivery drivers and be safely serviced.
- 5.13 Therefore, the proposed development is in accordance with Spatial Policy 7 and Policy DM5.

## Amenity

- 5.14 An Odour Control Assessment has been prepared by CDM Partnership. This concludes that the nearest sensitive receptors are located between 20 and 100m of the ventilation extract point. Through discharging 1m above ridge at 15m/s and putting in place 'High Level' classification grease control and odour abatement, appropriate odour mitigation can be achieved to protect the amenity of nearby receptors.
- 5.15 A Noise Impact Assessment has been prepared by Encon Associated Limited. It concludes that, with the mitigation measures proposed, there will be no adverse impacts in terms of noise on the nearest sensitive receptor.
- 5.16 Therefore, the proposed development provides an acceptable level of amenity in accordance with Policy DM5 and DM10.

## Conclusion

- 5.17 In summary, and in accordance with Section 36(8) of The Planning and Compulsory Purchase Act 2004, it is considered that the proposed development is in accordance with the development plan and NPPF.

## 6.0 Other Material Considerations

6.1 The National Planning Policy Framework explains at paragraph 8 that there are three dimensions to sustainable development:

An economic objective;

A social objective; and

An environmental objective.

### Economic Sustainability

6.2 The economic benefits of the proposed development are considerable. In addition to the commercial opportunities presented by the site, they include:

- 1 Supporting new direct and indirect jobs;
- 2 Generating an additional Gross Value Added during construction;
- 3 Delivering an uplift in business rates.

### Social Sustainability

6.3 The proposals will bring social benefits. The operator is committed to being a valued and responsible member of communities in which it operates. Alongside strong staff training programmes and environmental initiatives, the operator also supports local and national charities and encourages young people to lead more active lives.

#### Training

6.4 The operator's commitment to staff education incorporates both internal training programmes and externally recognised qualifications.

#### Anti-Social Behaviour

6.5 Tackling Anti-Social Behaviour is also a key part of delivering the best possible customer experience for customers, and providing a great place to work where employees feel energised, safe and valued.

6.6 The operator is committed to tackling litter in as many different ways as possible. It is company policy to conduct daily litter patrols, whereby employees pick up litter that may have been discarded in the vicinity of a restaurant. Litter bins will be provided.

#### Environmental Sustainability

6.7 The proposals will bring a range of environmental sustainability benefits.

#### Re-occupation of an Existing Building

6.8 The re-occupation of an existing vacant unit will reduce the climate impacts from the proposed development. Through retaining the existing structure, fewer materials will be required compared to a new-build development and therefore the existing embodied carbon

emissions will be retained. This will reduce the amount of new carbon emissions from the development.

- 6.9 Where new materials will be required as part of the refurbishment, they have been selected to provide the required aesthetics combined with maximum durability and robustness. The requirement for replacement, maintenance and repair will be minimal during the building lifecycles, thus providing a good low level of energy input over the whole lifecycle. From 2023, furniture used in all new build and refurbished restaurants will be sourced from recycled or certified materials and designed to recycled or reused at end of life.

#### Locational Benefits

- 6.10 The site is located in a central location within Newark Town Centre. As outlined in the ‘Highways Supporting Statement’, is highly accessible by public transport – and on foot and by cycle from other parts of Newark Town Centre, and the wider settlement. In addition, the location of the proposed development will encourage linked trips with other uses / facilities in the town centre, and this will help to minimise the need for travel and associated transport emissions.

#### Recycling Strategy and use of Recycled Materials.

- 6.11 Within the supply chain, the operator has undertaken a number of measures in recent years to try to promote better environmental standards through the whole supply chain including encouraging recycling.
- 6.12 Customer recycling stations will be installed to allow customers to separate paper cups, plastic bottles and cups, and decant liquids. The cups will be sent to a specialist paper cup recycler and the plastic will be recycled along with the plastic from the kitchens.

### Summary

- 6.13 Taking all relevant considerations of the NPPF into account, this section has demonstrated that the application proposals comprise sustainable development in the context of the NPPF and will have a positive impact on the local economy and employment generation. As such, taking all relevant considerations from the NPPF into account, and in line with Newark and Sherwood District Council’s planning policies relating to energy and sustainability, there should be a presumption in favour of the application proposals.

## 7.0 Conclusions

- 7.1 This Planning Statement has been prepared by Lichfields and this application seeks planning permission for a new restaurant / hot food takeaway at the former EURO supermarket, at Unit 1, 23 London Road, Newark, NG21 1TN (“the site”).
- 7.2 This application seeks permission for “Change of use from retail (Use Class E) to restaurant/ hot food takeaway use (Use Class E / Sui Generis) and associated works”
- 7.3 This Statement has assessed the application proposals against the statutory development plan, as well as other material considerations, including relevant national planning policy.
- 7.4 The proposals will bring a long-term vacant unit within the town centre back into use and deliver a restaurant/takeaway unit of contemporary, high quality and sustainable design.
- 7.5 In terms of its contribution to the range of employment opportunities, the proposed development will bring a vacant site into active use and provide direct and indirect jobs. The development will also attract additional expenditure within the area and provide greater consumer choice within Newark.
- 7.6 In terms of other benefits of the scheme, the site is located in a sustainable and accessible location, and the operator has numerous initiatives to encourage recycling and involvement with the local community and charities. As a result, the proposal would deliver social, economic, and environmental benefits to the local area.
- 7.7 Overall, the proposed development accords with the statutory development plan when considered as a whole and represents sustainable development as defined in the NPPF.



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