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Lane End, Kirkby in Ashfield Planning Statement

McDonald's Restaurants Ltd

19 December 2024

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Contents

1.0 Introduction

1.1 This Planning Statement has been prepared by Lichfields on behalf of McDonald's Restaurants Limited ('McDonald's'). It accompanies a full planning application in relation to the development of land to the south of Lane End in Kirkby in Ashfield.

1.2 The subject application seeks planning permission for the following development:

"*Development of a drive-thru restaurant (Use Class E/sui generis) with associated access, servicing, car parking, hard and soft landscaping and other associated works*".

1.3 This application follows the withdrawal of an earlier planning application (reference: V/2024/0294) which sought permission for the development of a drive-thru restaurant (Use Class E/Sui Generis) with associated access, servicing, car parking, hard and soft landscaping and other associated works. Vehicular access was proposed via the unnamed carriageway to the east of the site. Following further discussions with Nottinghamshire County Council Highways Department, McDonald's has amended the scheme with vehicular access now proposed via Lane End to the north. A revised layout and updated technical assessments have been submitted.

1.4 The purpose of this statement is to assess the application proposals against the development plan for Ashfield District Council ("ADC"), as well as other material considerations including national planning policy. This Statement should be read alongside the following documents which accompany the planning application:

1 Completed application form;

2 Application drawings, prepared by AEW Architects;

3 Heritage Impact Assessment, prepared by Lichfields;

4 Economic Statement, prepared by Lichfields;

5 Community Consultation Statement, prepared by Lichfields;

6 Design and Access Statement, prepared by Lichfields;

7 Transport Assessment, including vehicle tracking, prepared by Andrew Moseley Associates;

8 Travel Plan, prepared by Andrew Moseley Associates;

9 Ground Investigation, prepared by DTS Raeburn Limited;

10 Preliminary Risk Assessment, prepared by DTS Raeburn Limited;

11 Supplementary Ground Investigation, prepared by DTS Raeburn Limited;

12 Odour Control Assessment, prepared by CDM Partnership;

13 Landscape Management Plan, prepared by Econ Associates;

14 Tree Survey Report, prepared by Econ Associates;

15 Biodiversity Metric 4 Calculation Tool;

16 Ecological Appraisal, prepared by Econ Associates;

17 Lighting Impact Assessment Report, prepared by Lauk;

18 Flood Risk Sequential Assessment, prepared by Lichfields and Glanville;

19 Flood Risk Assessment and Drainage Strategy, prepared by Glanville;

20 Drainage Maintenance Plan, prepared by Glanville; and

21 Noise Assessment, prepared by NJD Environmental Associates Ltd.

1.5 The structure of the statement is as follows:

- **Section 2.0** - summarises the background of the application proposals, including details of the application site and surroundings;
- **Section 3.0** - provides a summary of the application proposals;
- **Section 4.0** - sets out relevant national and local planning policy;
- **Section 5.0** - assesses the development in the context of the relevant town centre policies and national retail planning requirements;
- **Section 6.0** - assesses the scheme against the statutory development plan;
- **Section 7.0** - considers the proposed development against the presumption in favour of sustainable development, as set out in the National Planning Policy Framework ("NPPF"); and
- **Section 8.0** - provides conclusions on all of the above.

2.0 Site Context

2.1 The site measures 0.42 ha and lies to the south of Lane End, at the western entrance of Kirkby in Ashfield Town Centre in a key gateway location and on the B6020, a main arterial route through the town.

2.2 The site comprises previously developed land and is characterised by hardstanding and cleared land, having remained vacant since the closure of the engineering works on the site a number of years ago.

2.3 The site is bound to the north by Lane End Road, beyond which lies the Kirkby in Ashfield railway station and an existing Aldi store; residential properties to the east; and Urban Road Business Park to the south/west. The surrounding area is commercial and residential in character.

Figure 2.1 Site Location

Source: Google Maps 2024. N.B. Red line shown indicatively.

2.4 The site is relatively flat and contains several trees on the site's perimeter and self-seeded scrubland in the centre of the site.

2.5 The large majority of the site lies within Flood Zone 1 and therefore at low risk of flooding. However, the north-eastern corner of the site and sections of the eastern boundary of the site fall within Flood Zone 3 of the Environment Agency's 'Flood Map for Planning' which means it has a high probability of flooding. The restaurant building and access/egress are located in the areas at lower risk of flooding.

2.6 The site is not located in a Conservation Area, nor are there any listed heritage assets within the site itself.

2.7 There are a number of locally listed heritage assets in the vicinity of the site including the unnamed road immediately to the east of the site which is the route of a former railway line (ref.112), 35 Urban Road (ref. 574) c. 25m east of the site, the former police station (now Purseglove Property) c.50m west of the site (ref. 635) and Ada Lovelace House on Urban Road c.40m north-east of the site (ref. 575).

2.8 Whilst the site is not allocated for any specific use within the adopted Local Plan, it is allocated as a Key Town Centre Development Opportunity (Policy S11) in the emerging Local Plan.

Accessibility

2.9 Full details of the site's accessibility are provided in the accompanying Transport Assessment, prepared by AMA. The site is currently accessed via a gate from the unnamed road to the east. In summary, the site has excellent road links being located to the west of Kirkby in Ashfield Town Centre on the B6020, a main arterial route through the town.

2.10 The nearest bus stop is located approximately 55m north-east of the site. The bus stop is served by the 90, 445B, A1, [A] the threes, and [B] the three which provide access to Nottingham, Mansfield, Oakham Business Park, Sutton in Ashfield and Sutton Junction.

Planning History

2.11 A planning application was submitted in July 2024 for the development of a drive-thru restaurant (use class E/sui generis) with associated access, servicing, car parking, hard and soft landscaping and other associated works (ref: V/2024/0294). This was withdrawn in October 2024. Following further discussions with Nottinghamshire County Council Highways Department, the layout has been revised and vehicular access is now proposed to be taken directly from Lane End to the north. The design of the restaurant has also been updated following feedback from officers at Ashfield District Council. The revised layout and updated technical assessments have been submitted with this planning application and the revised proposals are described in further detail in this statement.

2.12 The site's wider planning history dates back to the 1970s and 1980s and are connected to industrial uses. The buildings have since been demolished and the site now comprises hardstanding. Table 2.1 summarises the site's planning history.

Table 2.1 Planning History

Reference	Description of development	Decision	Decision date
V/1983/0194	Extension to existing joinery works	Approved	05/07/1983
V/1981/0363	Change of use to American pool hall with video machines and light refreshments	Withdrawn	31/03/1981
V/1980/0032	Erection of building for light industrial use	Approved	19/02/1980
V/1978/0950	Site for factory extension	Approved	13/11/1978

V/1976/0407	Use of site for workshop shop office and builders yard	Approved	07/06/1976

Source: Ashfield District Council's Online Planning Records

Summary

2.13 The site comprises previously developed land in a prominent gateway location on the edge of the town centre, close to Kirkby Railway Station and on the B6020 - a main arterial route through the town. It has been vacant and derelict for a number of years and is in need of redevelopment, particularly due to its visual prominence and location at the edge of the town centre.

3.0 The Proposed Development

3.1 The proposed development comprises a drive-thru restaurant (Class E/*sui generis*) with a floorspace area of 527 sqm GEA, to be operated by McDonald's Restaurants Ltd. The description of development is as follows:

"*Development of a drive-thru restaurant (Use Class E/sui generis) with associated access, servicing, car parking, hard and soft landscaping and other associated works*".

3.2 The restaurant will be located in the west of the site, with car parking in the north-east part of the site. This will allow for any overflow queueing from the drive-thru lane to be accommodated within the car park itself rather than outside of the site, in addition it will also allow for passive surveillance of the car parking area. The layout has sought to avoid Flood Zone 3 and create a high quality frontage to Lane End. The layout of the unit has also sought to retain existing trees to the south-west. The restaurant building is to be located within the western half of the site in the area at lowest flood risk (Flood Zone 1).

3.3 A revised layout is proposed with the vehicular access directly from Lane End to the north, rather than the unnamed carriageway to the east. The position of the restaurant has been relocated to the south-west of the site to accommodate the new access road. This will enhance the access into the site and improve residential amenity, with the building, and drive-thru lane now located further away from residential properties off Erewash Street. A pedestrian footway into the site will also be provided. Footpaths are provided adjacent to the vehicle access to the west towards the railway station, and to the east towards the town centre. Enhancements are also proposed to pedestrian crossings on the unnamed road to the east and Erewash Street to enhance connectivity with the town centre.

3.4 A total of 36 car parking spaces will be provided on site. This includes 2 accessible bays, 2 grill bays and 2 electric vehicle charging bays. In addition, 6 cycle parking spaces in the form of 3 Sheffield stands would be provided.

3.5 The restaurant will be McDonald's latest 'convenience of the future' format and will cover an area of 527 sqm. The proposed restaurant will extend to 7.8m at its highest point and will provide a two-storey appearance which is appropriate to its setting – and in line with neighbouring uses. The new scheme also incorporates extensive glazing on the northern and eastern elevations to provide an attractive and active frontage to Lane End. The revised design proposals include a mix of red brick and stone with a band of Staffordshire blue brick which will add interest and reflect local materials. The proposed materials reflect the local vernacular and are appropriate in this prominent gateway location.

3.6 The restaurant will include a drive-thru lane, with two dedicated grill parking bays for customers waiting for orders - to reduce congestion on the site. A patio area with outdoor dining space is proposed to the northern side of the restaurant. Litter bins would be provided in the patio area and within the car park and a sensitive lighting scheme adopted in order to mitigate any amenity impacts.

3.7 The landscape scheme includes a range of soft landscaping measures, including retention of as many trees as possible within the site – particularly the mature trees along the western boundary, as well as additional tree/shrub planting within the site. The updated planting scheme now includes advanced nursery stock tree planting following the feedback received

from the Council's trees officer on the previous application. These trees are suited to the site's location within Kirkby-in-Ashfield's western gateway. Hard landscaping includes surfaced footways to provide a legible and safe pedestrian environment. Whilst all opportunities have been taken to enhance the ecological value of the site, the accompanying Biodiversity Net Gain Assessment undertaken by Encon demonstrates the proposals will result in a 42.09% Biodiversity Net Loss (0.77 habitat units) and therefore off-site compensation will be required to comply with relevant policy and meet the provisions of the provisions of the Environment Act 2021.

3.8 The applicant has undertaken pre-application engagement with Ashfield District Council (ADC), met with local Councillors and undertaken community consultation, including sending out newsletters inviting residents to review the scheme proposals via a consultation website. For further details on the pre-application engagement undertaken, please refer to the Community Consultation Statement which accompanies this application.

3.9 The scheme has evolved as a result of pre-application engagement and as technical assessments of the site have been completed. In addition, following the withdrawal of the previous application, additional technical studies have been undertaken and the proposals have been revised in order to respond positively to the points raised.

3.10 The layout has been reworked in order to avoid those areas of high flood risk and to retain as many trees as possible onsite. The proposed materials for the building have been based upon the local vernacular and the landscaping scheme has been developed to achieve a high-quality development which reflects the visual prominence of the site. A revised layout is proposed with the vehicular access directly from Lane End to the north, rather than the unnamed carriageway to the east and the position of the restaurant has been relocated to the south-west of the site to accommodate the new access road.

3.11 The proposed McDonald's restaurant would provide a new local restaurant for the residents of Kirkby in Ashfield as well as bringing a prominent vacant site on the edge of the town centre back into active use.

Environmental Impact Assessment

3.12 The proposed development does not fall within Schedule 1 the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). It also falls below all thresholds set out in Part 10(b) of Schedule 2 of the same Regulations which includes urban development projects of this nature. It is not located within an environmentally sensitive location and its surroundings are characterised by built development that is similar in scale and character to the proposed scheme. The proposed development is not likely to give rise to significant effects and does not constitute EIA development.

4.0 Planning Policy Context

4.1 The National Planning Policy Framework (December 2024) sets out the Government's economic, environmental and social planning policies for England and is a material consideration for planning applications. The NPPF confirms that the Government is committed to securing economic growth in order to generate jobs and prosperity, and that planning should therefore operate to encourage, and not act as an impediment to sustainable growth. Paragraph 91 of the NPPF states that planning applications for main town centre uses, such as the proposed drive-thru restaurant, which are not in a defined centre and do not accord with an up-to-date development plan, should be subject to a sequential test. Such uses should be located in town centres, followed by edge-of-centre locations and, only if suitable sites are not available (or expected to become available within a reasonable period), should out-of-centre sites be considered.

4.2 Proposals for retail and leisure development outside of town centres, which are not in accordance with the Local Plan, should also be subject to an impact assessment where the development is over a proportionate, locally set floorspace threshold (or over 2,500 sqm, where there is no such threshold) (paragraph 94). The impact assessment should consider the impact of the proposal on existing, committed and planned investment in centres in the catchment area of the proposal, and the impact of the proposal on town centre vitality and viability.

The Development Plan

4.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations (which include the NPPF) indicate otherwise.

4.4 The adopted development plan for the subject site comprises the Ashfield Local Plan Review, 2002 (Saved Policies) and Ashfield Local Plan Review Proposals Maps.

4.5 The site is not allocated for any specific use within the existing Local Plan. The site is approximately 160 metres west of Kirkby-in-Ashfield District Centre (Policy SH1: District Shopping Centres) and therefore 'edge-of-centre' in planning policy terms. Whilst Kirkby in Ashfield is identified as a district shopping centre under Policy SH1 of the adopted Ashfield Local Plan, it known as the town centre locally and is therefore referred to as such throughout these reports.

4.6 A number of Local Plan policies are considered to be of relevance to the determination of the application, as follows:

- **Policy ST1: Development** - permits development which does not conflict with other policies in the plan; does not adversely affect the character, quality, amenity or safety of the environment; does not adversely affect highways safety or the capacity of the transport system; will not prejudice the comprehensive development of an area; and will not conflict with an adjoining/nearby land use.
- **Policy ST2: Main Urban Areas** - seeks to concentrate development within the main urban areas of Hucknall, Kirkby in Ashfield and Sutton in Ashfield. Other proposals which emerge during the Plan period and do not conflict with specific land use

designations or with development control criteria will be encouraged in these areas where services are concentrated and access to facilities is best. These three centres are considered to be the main employment, housing and service centres of the District.

- **Policy EV8 Trees and Woodlands** - sets out that development which adversely affects trees worthy of retention, including woodland and individual trees, will not be permitted. Where trees are lost as a result of development, replacement or mitigating planting will be required.
- **Policy EV15 Derelict and Contaminated Land Reclamation** - states that proposals which assist in the reclamation of derelict and contaminated to appropriate uses will be permitted.
- **Policy EV16 Water Quality and Flood Protection** – seeks to ensure that new development does not adversely affect the quality of surface water or groundwater, not increase the risk of flooding, not be at risk from flooding itself and that adequate provision is made for access to watercourses for future maintenance.
- **Policy TR2: Cycling provision in new developments** – sets out that provision needs to be made for safe and convenient cycle access, links with existing or proposed cycle routes and cycle parking facilities.
- **Policy TR3: Pedestrians and People with limited mobility** – requires suitable provision to be made in the design of the external environment for safe and convenient access by pedestrians and people with limited mobility.
- **Policy TR6: Developer contributions to transport improvements** – sets out that where a development places additional demands on transport infrastructure, planning obligations will be negotiated to enable a sum to be paid towards transport improvements. In the case of commercial developments, obligations will be determined locally where transport impact is significant.
- **Policy SH1: District Shopping Centres** – *locational strategy* seeks to support the local shopping needs of the district by recognising additional developments will be needed within town centres including commercial developments appropriate to a town centre.
- **Policy SH8: Commercial/Retail Development** – *design* states that commercial/ retail development will be permitted where its design is acceptable in terms of appearance, scale and siting; signage is acceptable in terms of its size, position, materials and illumination; parking is provided in accordance with the Council's standards; safe and convenient access is provided for vehicles, pedestrians and cyclists; landscaping complements and enhances the appearance of the site and security measures do not impact the character of the area;
- **Policy SH9: Hot Food Shops** – *control of food and drink uses* states that new hot food shops will be permitted provided that there would be no adverse effect on the amenity of neighbouring occupiers through noise, odour or litter and that opening hours are restricted where residential amenity could otherwise suffer. Policy SH9 states that further detailed requirements and guidelines for hot food shops are contained in Supplementary Planning Guidance No.8 which is published separately by the Council. On review, it seems this guidance is no longer considered to have full SPD status and is unavailable to view.

- **Policy RC8 Recreational Routes** - requires that development on existing footpaths, cycleways, bridleways and on disused railway lines and other corridors of land with potential for recreational routes will only be permitted where an acceptable access corridor along the original route is retained or a suitable direct alternative route is provided.

Other Material Considerations

Kirkby Town Centre Spatial Masterplan

4.7 The Kirkby Town Centre Spatial Masterplan (February 2021) identifies the site as 'outside of the designated town centre boundary' but part of what is referred to as the 'Station Gateway' – the western gateway to the town centre, which is made up of Sites A5 (Mixed Use development with additional car parking which should include a food and beverage unit to support business cluster), Site B1 (Landmark Structure) and Site B2 (the Site – identified as a preferred location for a mixed use gateway development, which includes residential, business, local convenience retail and parking).

Planning Guidance: Climate change (October 2022)

4.8 This guidance seeks to ensure that new development positively contributes to carbon reduction. This should include demonstrating an ambitious approach to the use of renewable energy, sustainable design and construction methods, with a high level of energy efficiency in new buildings.

Planning Guidance: Biodiversity and Nature Conservation (November 2022)

4.9 This guidance explains how the Council will aim to secure proportionate and appropriate biodiversity net gain in the determination of planning applications, and provides guidance on how to plan for biodiversity and nature conservation.

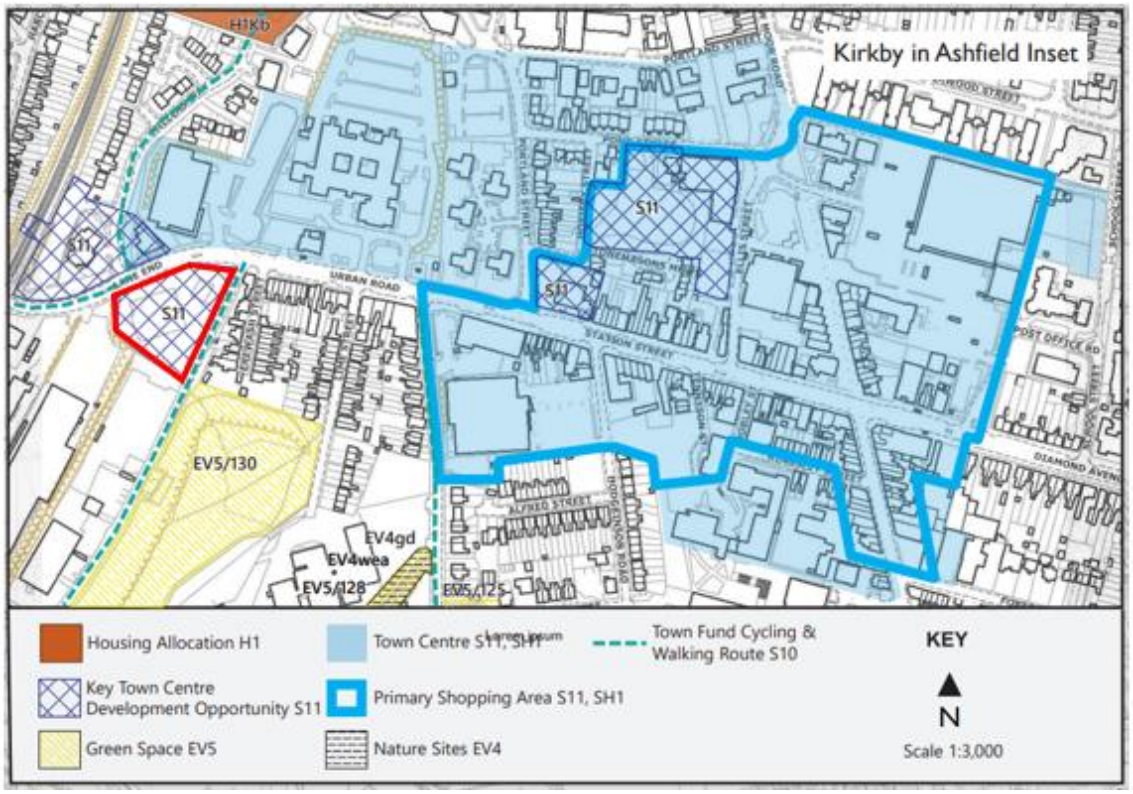
Emerging Local Plan

4.10 Ashfield District Council is currently undertaking the preparation of a new local plan and consulted on the Ashfield Draft Local Plan Consultation Regulation 19 pre-Submission draft in December 2023/January 2024. The emerging Local Plan was submitted for examination in April 2024and is currently at Examination with the expectation that it will be adopted by Summer 2025.

4.11 The site is identified as a Key Town Centre Development Opportunity Site (Policy S11: Vibrant Town Centres) in the emerging Local Plan which is in accordance with the Kirkby Town Centre Masterplan. Policy S11 sets out that development should have regard to objectives and schemes set out in the Kirkby Town Centre Spatial Masterplan.

4.12 It is interesting to note that the town centre boundary in the emerging Local Plan includes a number of proposed alterations as shown on the draft policies map below, primarily the extension of the town centre further west towards the train station and the application site, indeed, the revised boundary now includes the Aldi supermarket across the road from the application site.

Figure 4.1 Emerging Town Centre Boundary



Source: Ashfield Local Plan 2023-2040 Regulation 22 Submission Draft

4.13 The unnamed road to the east of the site is identified as a Town Fund walking and cycling route. Through the Towns Fund award, a comprehensive network of high-quality walking and cycling routes will be provided.

4.14 Draft Policy SH1 (Retail, Leisure, Commercial and Town Centre Uses) states that proposals that result in clusters of hot food takeaways or pubs/drinking establishments will not be supported, taking account of the concentration and proximity of existing such establishments in the immediate area. The Council will apply the sequential test and, where appropriate, the impact test to the location of main town centre uses. Where considered necessary by the Council, an Impact Test will be required for retail or leisure proposals exceeding 300 sq m (gross) floorspace.

4.15 Draft Policy SH2: Local Shopping Centres, Shopping Parades and Single Shops seeks to avoid clusters of hot food takeaways and ensure that proposals do not have a significant adverse effect on the amenity of existing residents through noise, odour, litter or disturbance.

4.16 Paragraph 8.11 of the Draft Local Plan states that when assessing development proposals for hot food takeaway or pub/drinking establishments, the Council will assess a range of issues to ensure the proposals will not result in a negative impact on the surrounding environment and existing uses.

4.17 As the new Local Plan remains in draft and feedback has not yet been received from the Inspector, only limited weight can be attached to it in planning decision-making at the current time.

5.0 Town Centre Uses Sequential Assessment

5.1 The proposed development is a McDonald's drive thru restaurant (Use Class E/Sui Generis) which is a 'main town centre use' as defined in the NPPF. The proposed drive-thru restaurant comprises a total of 527 sqm (gross external area).

Policy Context

5.2 The site is located c. 160m west of 'Kirkby in Ashfield District Centre' and is therefore 'edge-of-centre' in planning policy terms.

5.3 Local Plan Policy RC7 sets out the requirements for sequential and impact assessments for indoor leisure facilities outside of town centre locations. This includes demonstrating that the sequential approach has been undertaken and the site is acceptable. Whilst it sets out that other smaller leisure developments such as pubs and restaurants do not fall within the scope of this policy, Officers at Ashfield District Council confirmed, through their pre-application response, that a sequential assessment would need to be undertaken in association with any planning application proposal.

5.4 In this context, an assessment of potential alternative sites within Kirkby in Ashfield Town Centre, has been undertaken in the context of the sequential approach outlined in national and local planning policy.

McDonald's Commercial Requirements

5.5 In undertaking a sequential site assessment, it is important to consider, from the outset, the commercial need that the proposed development is seeking to meet.

5.6 In this case, this need is McDonald's requirement for a drive thru restaurant in Kirkby in Ashfield which can primarily serve residents of Kirkby in Ashfield whilst also conveniently meeting the needs of passers-by / other motorists travelling through the area. This reflects its location along the B6020 (Lane End) which is the main arterial road through the town centre. The B6020 runs West-East, connecting Kirkby in Ashfield to Rainworth via Ravenshead and Blidworth. The site at Lane End is considered the ideal location though other potential sites have been considered on their merits.

5.7 This commercial requirement takes into account McDonald's existing network of restaurants in the surrounding area as shown on the map below which include:

- Priestsic Road, Forest Street, Sutton-in-Ashfield, NG17 1BE
- Kings Mill Road East, Sutton-in-Ashfield, NG17 4JP
- Mansfield Leisure Park, Park Lane, Mansfield, NG18 1BU

5.8 Given the locations of existing McDonalds restaurants in surrounding areas, their area of requirement for Kirkby in Ashfield is the area south of Kings Mill Road East as shown on the map below.

Figure 5.1 Existing McDonald's Coverage

Source: Google Maps (site location shown as red dot)

5.9 Figure 5.1 demonstrates that Kirkby in Ashfield is not currently served by a conveniently accessible McDonald's restaurant. On the basis of the above, it is considered that the proposed McDonald's restaurant would primarily meet the needs of the immediate catchment area of Kirkby in Ashfield.

Kirkby in Ashfield Town Centre

5.10 Kirkby in Ashfield Town Centre is located approximately 160m to the east of the application site and contains a range of uses which meet the day-to-day needs of local residents. The centre is focused on parades of shops along Station Street, the pedestrianised Lowmoor Road running north to the outdoor market and the Morrisons supermarket and surrounding precinct. The centre accommodates a range of uses including convenience and comparison goods retailers with the Morrisons store a key anchor and other occupiers including Moor Market indoor market, Kirkby Leisure Centre, Kirkby Library, Kirkby Health Centre, B&M, Boyes, Subway, Superdrug, William Hill, Ladbrokes, Dominos, Wetherspoons, UK Airsoft and Vets 4 Pets, alongside a range of independent retailers and eateries.

5.11

Figure 5.2 Pedestrianised Lowmoor Road

Source: Lichfields Visit (November 2023)

5.12 The map below shows the town centre boundary and the application site marked with a red dot.

Figure 5.3 Adopted Town Centre Boundary

Source: Ashfield District Council Proposals Map (2002)

5.13 Whilst the above map shows the adopted town centre boundary from 2002, as mentioned in Section 4, the emerging Local Plan includes a number of proposed alterations as shown

on the draft policies map (Figure 4.1), primarily the extension of the town centre further west towards the train station and the application site.

5.14 Lichfields' have undertaken a review of the development plan including potential sites identified within the Town Centre Masterplan; consideration of Officer feedback on potential alternative sites to be considered; and a site visit in November 2023. This has led to the identification of the following potential alternative sites located within Kirkby in Ashfield Town Centre.

1. Land South of Pond Street and West of Ellis Street

5.15 This site comprises of land south of Pond Street and west of Ellis Street and extends to approximately 0.8ha. The site is primarily used on a seasonal basis for fairground ride/equipment storage, a not-for-profit travel service also occupy some space, alongside UK Airsoft retail unit and Our Centre charity organisation. There is also a Pay and Display car park accessed from Ellis Street.

5.16 The site is identified as a retail development opportunity (Policy SH2) in the adopted Local Plan Review 2002. It is allocated as a Key Town Centre Development Opportunity Site (Policy S11) in the emerging Local Plan. The site is identified as a Priority Project in the Kirkby Town Centre Masterplan (ref. A3) and the Council have aspirations for housing-led mixed-use development with active frontage to Civic Square, e.g., commercial/leisure.

5.17 This site is allocated for retail development and is sequentially preferable compared to the Lane End site. However, following discussions with Officers at the pre-application stage, McDonalds have carefully reviewed this site, and it does not meet the requirements for traffic flow levels to ensure commercial viability for a McDonalds restaurant. Indeed, the traffic flow figures were significantly lower than those required for commercial viability.

5.18 Furthermore, it is now understood that the Council are in the process of purchasing the site, with the objective of developing it for a residential-led scheme.

Figure 5.4 Pond Street / Ellis Street

Source: Lichfields Visit (November 2023)

2. Kirkby Motor Services, Station Street

5.19 The site is c. 0.15 ha and is occupied by a motor garage – Kirkby Motor Services and a Motorcycle Testing Centre. The site is unallocated in the adopted Local Plan but is allocated as a Key Town Centre Development Opportunity (Policy S11) in the emerging Local Plan. The site is identified as a Priority Project in the Kirkby Town Centre Masterplan (ref. A6). The Council have aspirations for environmental improvements at this key corner site location - either refurbishment or redevelopment/relocation.

Figure 5.5 Kirkby Motor Services

Source: Lichfields Visit (November 2023)

5.20 The site is not currently available for development, and indeed is too small to accommodate the proposed development.

3. JD Wetherspoons Public House – The Regent, Diamond Avenue

5.21 The site comprises of c. 591 sqm and is occupied by a building occupied as a Wetherspoons public house – The Regent. At the time of Lichfields site visit in November 2023 this unit was on the market, however, in the interim period it is understood that the unit is now under new ownership and is continuing to operate as a public house.. In any event, the site would be too small to accommodate the proposed development.

Figure 5.6 Wetherspoons Public House

Source: Lichfields Visit (November 2023)

4. Kirkby Health Centre site, Lowmoor Road

5.22 The site is c. 0.3 ha and is currently occupied by Kirkby Health Centre, Lowmoor Pharmacy, Kirkby Dental Practice, Family Medical Centre, The Health Care Complex, Oza Pharmacy and Well Pharmacy. The access road to Morrisons supermarket to the east intersects the site.

5.23 The site is unallocated in the adopted Local Plan and emerging Local Plan. It is identified as a Priority Project in the Kirkby Town Centre Masterplan (ref. A1) and the Council have aspirations for relocation and redevelopment of the Health Centre site to create a gateway mixed-use building, with potential uses including community/leisure with residential.

5.24 This site is occupied by a range of healthcare uses and is not currently available for development. Furthermore, it would appear to be difficult to accommodate the proposed development due to the access road intersecting the site.

Figure 5.7 Kirkby Health Centre Site

Source: Lichfields Visit (November 2023)

5. Northern Gateway site, Lowmoor Road

5.25 The site is c. 0.03 ha and is a landscaped parcel of land to the north of Kirkby Outdoor Market and east of Pond Street/Ellis Street/Lowmoor Road roundabout.

5.26 The site is unallocated in the adopted and emerging Local Plan but is identified as a medium-term project in the Kirkby Town Centre Masterplan (ref. B3). The Council have aspirations for a new landmark structure here.

Figure 5.8 Northern Gateway site

Source: Lichfields Visit (November 2023)

5.27 This site is unsuitable as it is too small to accommodate the proposed development.

6. Boyes frontage, Lowmoor Road

5.28 The site comprises of c. 80 sqm of vacant space adjacent to the Boyes store fronting onto Civic Square.

5.29 The site is unallocated in the adopted Local Plan and emerging Local Plan. The site is identified as a Priority Project in the Kirkby Town Centre Masterplan (ref. A2) and the Council have aspirations for a food and beverage outlet or small independent retailer to occupy this area.

5.30 However ,it is clearly too small to accommodate the proposed development.

Figure 5.9 Boyes frontage

Source: Lichfields Visit (November 2023)

7. B&M site, Station Street

5.31 The site is c. 0.22 ha and is occupied by a B&M store and associated car parking.

5.32 The site is unallocated in the adopted and emerging Local Plan. It is identified as a long-term project in the Kirkby Town Centre Masterplan (ref. C1) and the Council have aspirations to increase active frontage on south side of Station Street.

5.33 The site is not currently available for development and is too small to accommodate the proposed development.

8. Lowmoor Road Surgery and Parking, Lowmoor Road

5.34 The site is c. 0.18 ha and is occupied by The Surgery Lowmoor Road and associated car parking. It is adjacent to the Lowmoor Road Spiritualist Church. The site is unallocated in the adopted and emerging Local Plan and is identified as a long-term project in the Kirkby Town Centre Masterplan (ref. C2). The Council are understood to have aspirations for residential densification here.

5.35 The site is not currently available for development and is too small to accommodate the proposed development.

Figure 5.10 Lowmoor Road Surgery site

Source: Lichfields Visit (November 2023)

9. The Acre Young Peoples Centre, Tennyson Street

5.36 The site is c. 0.06 ha and comprises of The Acre youth club. The site is unallocated in the adopted and emerging Local Plan. It is identified as a long-term project in the Kirkby Town Centre Masterplan (ref. C4) and the Council have aspirations to relocate the youth centre to a more visible location.

5.37 The site is not currently available for development and is too small to accommodate the proposed development.

Figure 5.11 The Acre Young Peoples Centre

Source: Lichfields Visit (November 2023)

10. Outwood Academy Kirkby

5.38 The site is c. 1.58 ha and is occupied by the Outwood Academy Kirkby secondary school.

5.39 The site is unallocated in the adopted and emerging Local Plan. It is identified as a long-term project in the Kirkby Town Centre Masterplan (ref. C7) and the Council have identified the opportunity for campus improvement/redevelopment here.

5.40 The site is not currently available for development.

11. Library, Ashfield Precinct

5.41 The site is c. 0.05 ha and comprises of Kirkby in Ashfield Library.

5.42 The site is unallocated in the adopted and emerging Local Plan. It is identified as a long-term project in the Kirkby Town Centre Masterplan (ref. C6) and the Council have identified this site as a potential long term development opportunity with the town centre core.

5.43 The site is not currently available for development and is too small to accommodate the proposed development.

Figure 5.12 Kirkby Library

Source: Lichfields Visit (November 2023)

12. Kirkby Leisure Centre, Hodgkinson Road

5.44 The site is c. 0.8ha and is occupied by Kirkby Leisure Centre which opened in August 2019.

5.45 The site is allocated for indoor leisure uses (Policy RC6Ka) in the adopted Local Plan and is unallocated in the emerging Local Plan.

5.46 The site is not currently available for development.

Figure 5.13 Kirkby Leisure Centre

Source: Lichfields Visit (November 2023)

13. The Wyvern Club and Millers Way car park site adjacent to train station, off Lane End

5.47 The site is c. 0.35 ha and is occupied by a car park associated with the station and The Wyvern Club.

5.48 The site is identified as a Priority Project in the Kirkby Town Centre Masterplan (ref. A5) and the Council has aspirations to develop a food and beverage unit to support the station on this site.

5.49 The site is unallocated in the adopted Local Plan and is allocated as a Key Town Centre Development Opportunity Site (Policy S11) in the emerging Local Plan.

5.50 The minutes of the Discover Ashfield Board meeting from 17th March 2023 confirm that the Wyvern Club site has been purchased and minutes from the meeting on 5th April 2024 set out that the design team are progressing RIBA stage 3 plans and a planning application was due to be submitted in May. Public consultation on the redevelopment of the site was undertaken in February 2024. In the interim, planning permission (ref. V/2024/0422) was granted in October to demolish the Wyvern club and restore the site. In this context the site is coming forward for an alternative form of development and is therefore unavailable. Furthermore, the site is c. 210m west of the town centre and therefore is not sequentially preferable to the application site.

Figure 5.14 The Wyvern Club and Millers Way Car Park

Source: Lichfields Visit (November 2023)

14. Former Patco Site, Lowmoor Road, NG17 7JE

5.51 The site comprises of c. 2.6 ha of warehousing/production premises with car parking and open space.

5.52 The site is unallocated within the adopted and emerging Local Plans. A planning application was submitted in March 2021 for mixed-use development, to include business units, Retail Units, Supermarket, Drive-Thru Restaurants/Cafes and Residential Apartments and Dwellings. The application (ref: V/2021/0234) remains undetermined some three years after it was submitted.

5.53 McDonalds have carefully reviewed this site and it does not meet their commercial requirements on the basis that traffic flows are too low on Lowmoor Road to support a drive thru restaurant. In this context it is not a viable location for the proposed use.

5.54 In addition, there are ongoing unresolved issues with the undetermined planning application – namely highways, retail impact and the need to demonstrate why the site should be released for non-employment uses. It is not clear, at this stage, whether these issues can be satisfactorily addressed or whether planning permission is likely to be granted.

5.55 Finally, the site lies approximately 110m outside of Kirkby-in-Ashfield Town Centre and therefore, is not sequentially preferable to the application site.

5.56 Therefore, there are clear reasons why this site is neither suitable to accommodate the proposed development nor sequentially preferable to the application site.

5.57 Lichfields have also undertaken a flood risk sequential assessment which accompanies this planning application, as part of this assessment the following additional sites were considered:

- Housing site off Lane End/Millers Way, NG17 8RF
- Former Recreation Ground off Millers Way
- Land north of Diamond Avenue, NG17 7RH
- NHS Site 68-76 Portland Street
- Ashfield Evergreen Centre, adjacent to Aldi, Millers Way and Lane End
- Land north of Portland Street and south of Patco site
- Car parking adjacent to Ada Lovelace House, Urban Road

5.58 These sites have not been included within the town centre uses sequential assessment as they are all out of centre and therefore not sequentially preferable to the application site.

Summary

5.59 In the context of the sequential approach outlined in national planning policy and in accordance with Ashfield Local Plan Policy RC7 an assessment of potential alternative sites in Kirkby in Ashfield Town Centre has been undertaken.

5.60 This has confirmed that there are no sequentially preferable sites within the centre as all of the identified opportunities which are sequentially preferable are either too small, unavailable or unsuitable for the proposed development.

5.61 There are, therefore, no sequentially preferable development opportunities within Kirkby in Ashfield Town Centre which could realistically accommodate the development as proposed. Whilst potential alternative sites have been identified, it has been demonstrated that none of these sites are suitable and available to accommodate the proposed development.

5.62 On this basis, it is concluded that the proposals meet the town centre and retail policy requirements of the NPPF and the development plan.

6.0 Compliance with Planning Policy

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act, this section assesses the proposals against the planning policy identified in Section 4.0.

The Principle of the Proposed Development

6.2 The site is within the Main Urban Area of Kirkby in Ashfield which is one of the main focusses of development in accordance with Ashfield Local Plan Spatial Policy ST2. Policy SH1 recognises the need for retail and commercial developments within District Shopping Centres like Kirkby in Ashfield. The site itself is closely related but outwith the defined boundary of the Kirkby in Ashfield Town Centre, it is therefore 'edge-of-centre' in planning policy terms. However, the sequential site assessment set out above demonstrates that there are no sequentially preferable sites that could accommodate the proposed development.

6.3 The site is not allocated for any specific use within the existing Local Plan. Albeit, it is identified as a Key Town Centre Development Opportunity Site (Policy S11) in the emerging Local Plan which is in accordance with the Kirkby Town Centre Masterplan (February 2021) which identifies the site as being within the 'Station Gateway' – the western gateway to the town centre and a preferred location for a mixed use gateway development, which includes residential, business, local convenience retail and parking.

6.4 The site is located in a prominent position in a key gateway location between the town centre and the train station and on the B6020, a main arterial route through the town. Despite this, the site has remained vacant for several years and significantly detracts from the existing street scene and the wider amenity of the local area. The current proposals represent an opportunity to bring this prominent previously developed site back into active and productive use in accordance with local and national policy. The proposals will significantly improve the visual appearance of this site and create a high quality entrance to the town centre in this gateway location. Moreover, Policy EV15 states that proposals which assist in the reclamation of derelict and contaminated land to appropriate uses will be permitted. Paragraph 89 of the NPPF (December 2024) outlines that the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

6.5 In terms of compatibility with adjoining uses, the surrounding area is characterised by a mixture of uses, including commercial and residential uses. The proposed location of the restaurant is set back from adjoining sensitive uses alongside a sensitive lighting scheme so as to avoid having an adverse impact on amenity. Furthermore, McDonald's has a long (and extremely successful history) of operating in sensitive settings. On the planning application which was withdrawn earlier this year, the Council's Environmental Health team did not raise concerns regarding odour control, noise, lighting impacts and air quality subject to a condition requiring a construction environmental management plan – and given that the restaurant building and drive thru lane are located further away from the nearest residential properties, it is not anticipated that any concerns will be raised in relation to the scheme's impact on amenity.

6.6 Paragraph 97 of the NPPF states that local planning authorities should refuse applications for hot food takeaways and fast food outlets within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or 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.

6.7 No definition is provided as to what constitutes a walking distance. However, we are aware that some local authorities have sought to restrict the development of new hot food takeaways, and where they have done so they have sought to restrict such development within 400m of secondary schools. In addition, The London Plan has adopted a 400m walking distance from the entrances and exits of an existing or proposed primary or secondary school. In the absence of clear guidance within the NPPF or PPG, we have therefore applied a 400m walking distance because it is clearly defined and consistent with the approach various local authorities have adopted across the country.

6.8 The site is located approximately 160m west of 'Kirkby in Ashfield District Centre' and is therefore 'edge-of-centre' in planning policy terms. The nearest school is The West Park Academy Primary School on Vernon Road. The next nearest school is the Outwood Academy, which is adjacent to The Acre Young Peoples Centre. All of these uses are 450 to 500m walking distance from the application site and the latter two are within the district centre boundary. The application site is therefore, not located within walking distance of schools or other locations where young people are likely to congregate. Furthermore, both the youth centre and Outwood Academy school are within the district centre, those attending will have a variety of takeaway choices within the centre / closer to them than the proposed McDonald's restaurant.

6.9 The site was identified by McDonald's due to its close proximity to the district centre, acting as an extension to the centre, similar to the adjacent Aldi to the north. Furthermore, the emerging Local Plan identifies the site as a Key Town Centre Development Opportunity Site (Policy S11: Vibrant Town Centres) which is in accordance with the Kirkby Town Centre Masterplan. The emerging Local Plan seeks to amend the town centre boundary primarily the extension of the town centre further west towards the train station and the application site, indeed, the revised boundary now includes the Aldi supermarket across the road from the application site. The site is increasingly viewed in the context of Kirkby District Centre.

6.10 The principal aim of the NPPF is to achieve sustainable development which the application would achieve. Moreover, paragraph 3 states that the NPPF should be read as a whole (including its footnotes and annexes). Chapter 8 therefore needs to be read in conjunction with the remainder of the NPPF, specifically, chapter 6 'building a strong, competitive economy', chapter 7 concerning town centres and chapter 11 'making effective use of land'.

6.11 As demonstrated at paragraph 91, local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. Chapter 5 confirms that there are no sequentially preferable development opportunities within Kirkby in Ashfield District Centre which could realistically accommodate the development as proposed.

6.12 Paragraph 125c is clear that planning authorities should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. The proposed development would reuse a vacant site in a prominent location. It would create the conditions in which businesses can invest, expand and adapt (paragraph 85) and take a positive approach to the growth, management and adaptation of town centres to allow them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries (paragraph 90).

6.13 The proposed use is an appropriate town centre use within an edge of centre location. A McDonald's restaurant/takeaway in this location is compatible with nearby commercial uses and indeed would complement the retail function of the town centre. Furthermore, and as has been demonstrated, the application proposals are in accordance with the development plan and the NPPF when considered as a whole.

6.14 Updated noise, odour and lighting assessments are included with the application and demonstrate that the proposals will not result in an unacceptable impact upon neighbouring residents. The proposal is therefore in accordance with paragraph 97b of the NPPF.

6.15 In relation to littering, McDonald's consider it to be an offence and take steps to reduce its likelihood, whilst taking action to respond to it where it does happen. Therefore, it is considered that the proposals are in accordance with Local Plan policy SH9 relating to the control of hot food shops.

6.16 McDonald's do not currently operate a restaurant in this area and the proposals will provide a new local restaurant for residents living in the immediate catchment of Kirkby in Ashfield. Given the position of the site in relation to the highway network, the McDonald's restaurant will also cater for passing trade on the B6020. The proposed development will provide a range of economic opportunities, bringing this vacant brownfield site into active use, whilst creating a high-quality entrance to the town centre and delivering around 80 jobs. The development will also attract additional expenditure and provide greater consumer choice within Kirkby in Ashfield. In addition, as set out below, McDonald's is a strong advocate of sustainability, with almost all restaurants powered by 100% renewable energy, and 80% of their packaging is recyclable.

6.17 As a result, the proposal would deliver a range of social, economic and environmental benefits.

Design

6.18 The design and layout of the proposed restaurant has been developed in the context of the site constraints and opportunities, national design guidance and the development plan, including policy SH8 which promotes commercial development designed to the highest possible standard which responds positively to surrounding quality, character and sensitivity, with landscaping to enhance the appearance of the site and appropriate parking, access, illumination and security measures.

6.19 This report and the accompanying Design and Access Statement demonstrates the high regard that McDonald's places on good design and function for their developments. The proposals have been designed in order to respect the context of the site and protect

residential amenity through the design and landscaping proposals, as well as through the incorporation of a range of measures to protect the amenity of neighbours.

6.20 The proposed restaurant will be McDonald's latest 'convenience of the future' format and will cover an area of 527 sqm. Following pre-application consultation, and the withdrawal of the previous application, the design of the scheme has also been revised to address feedback from officers. The proposed restaurant will now extend to 7.8m at its highest point, this provides a two-storey appearance appropriate to its setting – and in line with neighbouring uses. The new scheme also incorporates extensive glazing on the northern and eastern elevations to provide an attractive and active frontage to Lane End. The revised design proposals include a mix of red brick and stone with a band of Staffordshire blue brick which will add interest and reflect local materials. The proposals have been refined to deliver a high-quality design which complements existing materials in the town centre and reflects the prominent gateway location of the site. Other materials include black cladding panels, and white canopies and columns. The windows and doors will be finished in white and security doors in umbra grey. The proposed design is attractive and appropriate to it's location. Hard landscaping includes surfaced footways to provide a legible and safe pedestrian environment. In summary, the proposal will enhance the character and appearance of the surrounding area.

6.21 A high-quality landscaping scheme is proposed including the retention of as many trees as possible within the site – particularly the mature trees along the western boundary, as well as additional tree/shrub planting within the site. The updated planting scheme now includes advanced nursery stock tree planting following the feedback received from the Council's trees officer on the previous application. These trees are suited to the site's location within Kirkby-in-Ashfield's western gateway. Following advice from McDonald's ecologist, the restaurant design / configuration has been revised in order to avoid impact on the root protection areas of existing trees. A wildlife-friendly lighting scheme which is sensitive to adjoining uses is also proposed.

6.22 In developing the layout of the restaurant building, corral area, drive-thru lane and associated parking arrangements careful consideration has been had to the amenity impacts upon adjoining uses, the areas of flood risk within the site, the existing trees and opportunities for ecological enhancement.

6.23 Further detail on how the proposals accord with the Ashfield District Council Planning Guidance on Climate Change is included within the accompanying Design and Access Statement.

6.24 In this context, it is considered that the proposals comply with national and local design policies.

Highways and Transport

6.25 Policy STI1 of the adopted Ashfield Local Plan requires development to not adversely affect highway safety or the capacity of the transport system and Policy ST2 seeks to concentrate development in main urban areas where access to facilities is best.

6.26 A Transport Assessment ('TA') has been prepared by AMA and accompanies this application and considers the impact of the proposed development on the local highway network.

6.27 The TA identifies that the site is accessible by walking, cycling and public transport and is therefore a sustainable location for access by non-car modes of travel. The TA demonstrates that the impact from the traffic generated by the proposed development will have a negligible impact on the surrounding area. The proposed development could be accommodated without resulting in any significant detrimental impact upon existing road safety or the capacity of the highway network.

6.28 Vehicular access is proposed via the B6020 Lane End that bounds the site to the north with a priority-controlled ghost-island right-turn. The ghost-island right turn would be delivered through the amendment to the existing ghost-island white-lining on the B6020 Lane End adjacent the site and as per the general road layout for an approximate 400m stretch of the B6020 to at each adjacent uses access or junction layout. The proposals are therefore considered to be in line with the general existing precedent on the B6020.

6.29 The proposed site access junction achieves a junction offset of 32m from the Aldi Access to the east, and 40m to the Millers Way T-junction to the west. The access location is therefore in the optimum location to ensure the maximum possible junction spacing between each access whilst ensuring suitable visibility can be achieved. The achievable junction spacing is also similar to that of a number of junctions accessed from the B6020.

6.30 To accommodate pedestrian manoeuvres to the site, it is proposed that dropped kerbs and tactile paving would also be provided with the new corner radii. From here, pedestrian routes will be provided throughout the internal layout to the McDonalds store. In addition to the internal pedestrian provisions, it is proposed that the development will upgrade the existing pedestrian facilities across the unnamed Road and Erewash Street adjacent to the site to ensure safe and convenient pedestrian access to the restaurant in accordance with policy TR3. The proposals retain an access corridor along the disused railway line route as required by policy RC8 relating to the protection of recreational routes.

6.31 A new pedestrian footway will be provided along the eastern and western extent of the access as part of the proposals, including a direct access to the restaurant entrance with marked crossing points, to enable safe access from the town centre to the east and train station to the west.

6.32 The McDonald's car park will operate with a clockwise, one-way system. The drive-thru will commence from the southern extent of the car park and continue around the west of the building, exiting into the car park to the north. The proposed development includes 36 parking spaces, including two accessible spaces, two grill bays and two EVCP spaces. Six cycle parking spaces are also proposed to ensure that the development is provision is made for cycle storage in accordance with policy TR2.

6.33 The capacity assessments demonstrate that the local highway network has sufficient capacity to accommodate the predicted trip generation, with only 19% and 21% of traffic anticipated to be 'new / additional' to the network during the Friday and Saturday peak hours respectively. It is anticipated that the proposed restaurant would result in 31 and 39

'new' trips during the restaurants two busiest peak hours of the week, resulting in approximately one new trip every minute.

6.34 A Travel Plan prepared by AMA also accompanies this application and encourages sustainable access to the site.

6.35 In relation to servicing, restaurants typically receive three deliveries per week and are scheduled to arrive at quiet trading periods. The accompanying swept path analysis demonstrates that a delivery vehicle can enter, manoeuvre around and exit the site. Prior to the delivery vehicle arriving, staff will ensure that parking bays are vacated and coned off. Further details are provided in the accompanying TA.

6.36 In the context of the above, it is considered that the proposals accord with the provisions of adopted development plan Policy ST1, ST2, SH8, TR2, TR3 and RC8.

Ecology and Trees

6.37 An Ecological Appraisal prepared by Encon accompanies this application and concludes the proposed development will not result in any significant adverse effects on ecology. In order to minimise the ecological impact of the proposed development, the appraisal proposes the protection of existing trees during construction, mitigation measures to prevent the spread of non-native species and the implementation of measures to protect nesting birds.

6.38 A soft landscaping scheme prepared by Encon forms part of the application proposals. The proposals include retaining existing higher quality trees where possible, planting new scrub, trees and hedgerows, sowing diverse grassland, planting shrub species which will benefit pollinators, birds and other urban wildlife, and erecting bird and bat boxes on retained trees. The updated planting scheme also now includes advanced nursery stock tree planting following the feedback received from the Council's trees officer on the previous application. These trees are suited to the site's location within Kirkby-in-Ashfield's western gateway. A wildlife-friendly lighting scheme which is sensitive to adjoining uses is also proposed.

6.39 A tree survey and report also accompanies the application and assesses the quality of the existing trees onsite and examines how they will be affected by the proposals. The layout has been refined over time to ensure that as many existing trees as possible are retained, particularly those mature or ecologically valuable trees along the south-western boundary. As a result, only a relatively small number of either low quality trees/ trees unsuitable for retention will require removal to facilitate the development and replacement tree planting will help to mitigate this loss. All tree planting within 5.0m of paving will have root barrier installed to prevent root growth from damaging the adjacent hard surfacing.

6.40 Whilst all opportunities have been taken to enhance the ecological value of the site, the accompanying Biodiversity Net Gain Assessment undertaken by Encon demonstrates the proposals will result in a 42.09% Biodiversity Net Loss (0.77 habitat units) and therefore off-site compensation is required to comply with relevant policy and meet the requirements of the Environment Act 2021.

6.41 Provided all the recommended mitigation measures are implemented and the off-site BNG compensation measures are delivered, the development would comply with relevant nature

conservation legislation, national BNG requirements and local planning policies EV7 and EV8 relevant to ecology and trees.

Flood Risk and Drainage

6.42 A Flood Risk Sequential Assessment has been undertaken in accordance with national planning policy to accompany this planning application, given that a small portion of the site is located within Flood Zone 3. This assessment identified potential alternative sites and assessed their availability and flood risk. It concluded that there are no other sequentially preferable and available sites which are suitable to accommodate the proposed development.

6.43 A Flood Risk and Drainage Strategy prepared by Glanville also accompanies this application and assesses the existing flood risk and drainage conditions and provides a strategy for integrating the proposed development within the wider drainage network.

6.44 The restaurant building will be located within the western half of the site in the area at lowest flood risk (Flood Zone 1).

6.45 The strategy explains that flood risks within the site have been assessed and are medium to low. The proposed design ensures that flood risks are appropriately mitigated with the site and that flood risks to others are not increased by the development. The development's surface water drainage strategy follows sustainable drainage guidance. Infiltration is not possible due to poor infiltration characteristics of the existing soils. The site therefore discharges at a restricted rate to the ordinary watercourse under the unnamed road to the east. The sustainable surface water drainage system is designed to accommodate a 1:100-year event plus the appropriate climate change allowance for this site without flooding.

6.46 The proposed building FFL ensures that the proposed building benefits from an enhanced level of protection. The proposed external levels ensure that no volume is taken away from the flood zone, and that and existing overland flow path across the site is maintained.

6.47 In addition, the proposed on-site drainage system will be designed to accommodate a 1 in 100 plus climate change rainfall event, without creating a flood hazard. The proposed surface water drainage layout includes lined cellular tanks for attenuation of run-off with a flow control device and petrol interceptor fitted the surface water will then discharge into the culverted ordinary watercourse. In addition, a Flood Emergency Plan will be maintained and staff trained accordingly. This report also details the foul water drainage strategy which includes a grease trap to protect downstream sewers from cooking waste/grease.

6.48 The proposed development is therefore in accordance with national policy and adopted development plan policy EV16.

Amenity

6.49 Policy SH9 of the adopted local plan seeks to protect residential amenity through ensuring new hot food shops do not result in adverse effects in terms of noise, odour and litter and that opening hours are restricted where residential amenity could otherwise suffer. The nearest sensitive properties are the residential dwellings located to the east of the site. On the planning application which was withdrawn earlier this year, the Council's

Environmental Health team did not raise concerns regarding odour control, noise, lighting impacts and air quality subject to a condition requiring a construction environmental management plan. These matters are considered in more detail below and in the accompanying updated reports.

Noise

6.50 A Noise Assessment prepared by NJD Environmental accompanies this application, and considers the potential noise impact associated with the proposed development including any noise from deliveries, external plant and idling of car engines in the drive-thru on nearby sensitive receptors.

6.51 The Noise Assessment concludes that during the daytime and nighttime periods, noise associated with the proposed development is predicted to give rise to a negligible impact on nearby sensitive receptors with noise from worst case scenario i.e. full occupation of the car park during peak use, likely to result in an overall negligible impact.

Odour

6.52 The planning application is accompanied by an Odour Control Assessment prepared by CDM Partnership. This assessment identifies the equipment and techniques relevant to this restaurant and the particular site-specific odour risk factors, in order to minimise the impact of restaurant kitchen extract system. It sets out the high level of odour control measures proposed to be installed at this restaurant.

6.53 Since 2020, McDonald's has used a bespoke comprehensive odour and grease abatement system at restaurants where there is considered to have very high odour sensitivity. Whilst the site is not classified as the highest level of sensitivity, given the residential properties are between 20-100m away and the risk rating is therefore considered to be 'medium', this approach will be adopted, and the proposed mitigation measures will therefore exceed the minimum recommendations. When used previously the proposed grease and odour control measures have demonstrated effective eradication of odours.

6.54 The proposed restaurant would not result in any adverse impacts upon neighbouring properties, and therefore the development complies with adopted development policy SH9 in terms of amenity.

Litter

6.55 McDonald's do not condone littering and consider it to be an offence. McDonald's take steps to reduce its likelihood, whilst taking action to respond to it where it does happen.

6.56 It is McDonald's company policy to conduct a minimum of three daily litter patrols, whereby employees pick up not only McDonald's packaging, but also any other litter that may have been discarded in a 150m vicinity of a restaurant. This may be varied / expanded to suit local circumstances and needs, and McDonald's would be happy to discuss this further during the course of the planning application.

6.57 Litter bins would be provided in the patio area and within the car park, as shown on the drawings and packaging carries anti-littering symbols to encourage customers to dispose of

litter responsibly. Anti-littering signage is displayed within restaurants and car parks, and support is given to Keep Britain Tidy.

6.58 The proposals have been designed to ensure that the amenity of neighbours is protected through positioning the restaurant further away from sensitive receptors, assessing noise impacts and incorporating odour mitigation measures, as well as tackling littering and adopting a sensitive lighting scheme. These measures are discussed in more detail within the accompanying application documents.

Summary

6.59 In the context of the above and in accordance with policy ST1, it is considered that the proposals will not adversely affect the character, quality, amenity or safety of the environment; not adversely affect highway safety or the capacity of the transport system; not prejudice the comprehensive development of an area; and not conflict with an adjoining or nearby land use.

6.60 Overall, the application proposals are considered to accord with the relevant policies within the adopted development plan when read as a whole. In particular, in the context of Policies ST1, ST2, SH8, SH9 and EV15 it is considered that the principle of the proposed development is acceptable, alongside the range of socio-economic benefits the scheme would deliver, and the absence of any other significant technical, amenity or policy conflicts.

7.0 The Presumption in Favour of Sustainable Development

7.1 The National Planning Policy Framework explains at Paragraph 8 that there are three dimensions to sustainability:

- An economic objective;
- A social objective; and
- An environmental objective.

Economic Sustainability

7.2 The economic benefits of the proposed development are considerable and include:

- Support 195 direct FTE construction jobs, as well as supporting a further 235 indirect FTE jobs during the construction phase;
- Generate an additional £11.5 million of Gross Value Added during construction;
- Create 80 direct headcount jobs (55 direct FTE jobs) on-site, once the proposals are completed and operational. This could support a further 45 indirect and induced FTE jobs in the wider region;
- Generate an additional £1.1 million of GVA per annum through direct operational employment; and
- Deliver an uplift in business rates revenue in the order of £51,200 per annum – of which £25,600 would be retained locally.

7.3 In addition, McDonald's itself employs around 180,000 people across the UK, with a mix of all ages and life stages. People are at the heart of the business and, as a responsible and proud employer, McDonald's are committed to investing in them. To ensure the needs of all staff are met, and so attract and retain the best talent, the range of employment options has been expanded, with the Guaranteed Minimum Hours Contracts (GMHC) rolled out to all UK restaurants.

7.4 In the workplace, flexibility, opportunity, equality and development are promoted. McDonald's believes in hiring people on their qualities and giving them the opportunity to progress and gain qualifications with us. McDonald's commitment to learning and development is seen in McDonald's Investors in People Gold award as well as the £62.5 million invested in training in 2023.

7.5 Further details of the economic benefits of the proposed development are discussed in the accompanying Economic Statement.

Social Sustainability

7.6 The proposals will bring social benefits. McDonald's is committed to being a valued and responsible member of communities in which it operates. Alongside strong staff training programmes and environmental initiatives McDonald's also supports Ronald McDonald House Charities (RMHC) and encourages young people to lead more active lives.

McDonald's are also a partner of Children in Need working together to reach one million children and young people to empower them to reach their potential.

Training

7.7 McDonald's commitment to staff education incorporates both internal training programmes and externally recognised qualifications. The McDonald's training philosophy centres on career long learning – "from the crew room to the boardroom". McDonald's is recognised as a "heavy lifter" by the Work Foundation as it recruits on the qualities not the qualifications of applicants. Crew members receive on-going training of which regular assessment forms a part. The ratings from these assessments are then discussed at each employee's Performance Review. McDonald's invested £62.5 million in training in 2023 and those employed at the proposed restaurant would be given the chance to undertake structured training including the opportunity to gain nationally recognised qualifications in hospitality, literacy and numeracy all the way up to full business degrees.

Football

7.8 Since 2002, McDonald's has provided financial support to improve the standards and growth of grassroots football across England, Scotland, Wales and Northern Ireland. Local employees and restaurants have also been involved. McDonald's Club Twinning was launched in 2008 and there are now over 900 restaurants twinned with local clubs, providing coaching and business support as well as providing thousands of players with donated kit and equipment. McDonald's Fun Football programme is the UK's largest mass participation football programme and has successfully provided 5 million hours of free fun football for children across the UK ahead of the 2022 target.

7.9 The ongoing partnership will help ensure that McDonald's can continue having a role in encouraging young people to have a lifelong love of sport and an active lifestyle. To-date, the programme has included:

- Training over 30,000 new qualified grassroots coaches;
- Supporting over 10,000 grassroots clubs;
- Providing over 250,000 new football kits to children's teams across the UK; and
- Recognising over 5,000 local football volunteers, clubs, and projects to date via our nationwide Grassroots Football Awards programme.

House Charities

7.10 Ronald McDonald House Charities UK (RMHC) is an independently registered charity which helps support families while their children are in hospital or a hospice. RMHC provide free 'home away from home' accommodation to allow families to stay close to their ill children. They operate 12 Houses from NHS hospitals across the UK and give families a warm and comfortable place to rest, eat and relax, just moments away from their child's hospital ward. Since 1989, RMHC have supported over 50,000 families and now support 6,000 families each year.

7.11 RMHC has been McDonald's charity of choice since the Charity was founded in the UK in 1989. Since then, McDonald's and its Franchisees have raised over £85 million for the Charity.

7.12 As well as donating part of their profits, McDonald's and its Franchisees also hold annual fundraising days, provide free office space, business resources and advertising.

7.13 The charity's biggest source of income comes from the collection boxes in McDonald's restaurants, through which customers give millions of pounds each year. In 2017, these boxes provided over £3 million donated by McDonald's generous customers. In 2019, the option of donating to RMHC via the cashless in-store kiosks was introduced, which has significantly increased the amount donated by customers. This allows customers to round up to the nearest pound or give set donations of 1p, 10p or 20p of which 100% is given to RMHC.

Anti-Social Behaviour

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

7.15 McDonald's do not condone littering and consider it to be an offence. McDonald's take steps to reduce its likelihood, whilst taking action to respond to it where it does happen.

7.16 It is McDonald's company policy to conduct a minimum of three daily litter patrols, whereby employees pick up not only McDonald's packaging, but also any other litter that may have been discarded in a 150m vicinity of a restaurant. This may be varied / expanded to suit local circumstances and needs and McDonald's would be happy to discuss this further during the course of the planning application.

7.17 Litter bins are provided outside all restaurants, as shown on the drawings and packaging carries anti-littering symbols to encourage customers to dispose of litter responsibly. Anti-littering signage is displayed within restaurants and car parks, and support is given to Keep Britain Tidy.

Environmental Sustainability

7.18 In terms of the proposed McDonald's restaurant, the scale of the business means McDonald's have an opportunity to have a positive impact on some of the biggest challenges facing the world today. The threat of climate change is one such challenge and McDonald's are proud of the investment they have made to reduce their carbon footprint in the UK.

7.19 McDonald's was the first global restaurant chain to set science-based greenhouse gas reduction targets at a global level. Working with all franchisees, their aim is to reduce greenhouse gas emissions related to all restaurants and offices by 36% by 2030. Additionally, McDonald's are committed to a 31% reduction in emissions intensity (per metric tonne of food and packaging) across the supply chain by 2030.

7.20 In the UK and Ireland, McDonald's have committed to Net Zero Restaurants and Offices by 2030. McDonalds already buy 100% renewable electricity and have invested in long term

partnership agreements to develop the renewable energy infrastructure in the UK. We are now focusing on the phase-out of gas used in our restaurants and moved to the latest reduced GWP air conditioning refrigerants ahead of any legislation in this regard.

Waste and Use of Recycled Material in Construction

7.21 Materials used for construction of the restaurant are suitable for recycling and include steel portal frame and recycled materials, where possible.

7.22 Materials for the building are 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 is sourced from recycled or certified materials and designed to recycled or reused at end of life, as part of the McDonald's Plan to Change.

The Restaurant Building

7.23 The design of the new building has been directly influenced by sustainability and the standard practices to enable the reduction in their carbon footprint. McDonald's have developed a restaurant blueprint in line with the UKGBC Net Zero Framework for construction and operational energy which is verified through independent advisors. The new restaurant for Kirkby will be developed against this blueprint. Approximately, 90% of new restaurants are built using modular construction techniques, which use considerably less energy, inclusive of the reduction of the total number of deliveries to site during the build. Modular construction takes place in a controlled environment, which allows a highly monitored and efficient process, where leftover materials can be used in future projects and ultimately reduce the general building waste. The construction time is also reduced, minimising the potential disruption to neighbours.

7.24 The external shell is designed to prevent air leakage and achieve the U-value required by current building regulation standards, and McDonald's utilise a sophisticated building management control system with specifically engineered energy reduction strategies to maximise operating efficiencies. McDonald's kitchen appliances have standby reminders, and a metering system has been introduced which measures the amount of electricity used in every half hour of the day. Restaurant Managers receive daily graphs to help them make energy saving adjustments.

7.25 All new restaurants are fitted with standard equipment and maintenance programmes, in line with Green Building Guidelines, which were introduced as a McDonald's Europe initiative and include:

- Lighting - LED lighting is also used, resulting in a 50% reduction in energy use compared to fluorescent lights.
- Water - Auto shut-off taps fitted to wash-hand basins in addition to flow control limited to 6l/min; replacement of urinals with waterless units and WCs fitted with dual flush of 4.5l and 3l flushes (unless external drainage requires greater volume). In addition, systems are leak checked with hot water temperatures reduced to a maximum of 60 degrees C. Pipes are checked for missing insulation.

- HVAC - Automatic closures fitted to all internal doors and draft-proofing fitted or repaired to all doors and windows, including the use of energy save reminder stickers in the back of house area. Variable speed control fans are installed so that they are not required to run when ventilation is not required, and room sensors installed to monitor internal air temperatures.

Minimising Transport Impacts and Reducing Carbon Dioxide Emissions

7.26 Cooking oil from restaurants is recycled into biodiesel using local collectors. The biodiesel is then used as fuel by McDonald's vehicles. Biodiesel is now being used in all delivery trucks and results in a significant carbon saving.

Recycling Strategy and use of Recycled Materials.

7.27 Within the supply chain, McDonald's vision is one where all food and packaging is sourced sustainably. They have undertaken a number of measures in recent years to try to promote better environmental standards through the whole supply chain.

7.28 McDonald's is committed to using recycled materials wherever possible, throughout the business and have stepped up their commitment to recycling further, setting UK goals, including 100% of McDonald's customer packaging will be made from renewable, recycled or certified sources and will be designed to be recycled or reused at end of life, by 2024.

7.29 The business has taken a number of steps to continue to lead when it comes to sustainable packaging and further address the issue of reducing plastic across the supply chain:

- The removal of plastic lids from McFlurry will see 385 tonnes of plastic removed from the supply chain each year, and the introduction of fibre-based salad boxes will also see 105 tonnes of plastic removed annually, and the new salad boxes can be recycled with any other paper. Indeed, McDonald's are a member of the National Cup Recycling Scheme which brings together major retailers waste management companies and UK paper mills with the shared aim of growing the infrastructure needed to increase the number of paper cups being collected and recycled across the UK. McFlurry cups can be recycled along with other paper cups in one of the many recycling points that has been established across the country through the collaboration of retailers including Pret a Manger, Costa and McDonald's restaurants.
- 22k tonnes of outer packaging cardboard is now recycled from restaurants every year, with zero waste to landfill. Only 8% of the packaging used for McDonald's products is made from plastic, with the majority already being made from fully certified fibre. McDonald's reuses delivery packaging wherever possible, in accordance with food safety laws. The vast majority of kitchen waste is recycled. Staff separate corrugated cardboard, used cooking oil, food waste, clean plastic paper and tin from all back of house areas for recycling.
- All restaurants aim to recycle 100% of their corrugated cardboard, which in itself accounts for 15% of a restaurant's average total waste. In addition, the delivery trays and crates are returned to suppliers for reuse. Delivery vehicles also carry recyclable materials on return trips, backhauling over 80% of all cardboard.

- McDonald's UK has a long-term goal to send zero waste to landfill by reducing operational waste, recycling as much as possible, and diverting the remainder to a more sustainable solution. To further minimise waste, McDonald's has joined the Valpak distributor take back scheme, which ensures that redundant equipment is recycled with accredited companies.
- Customer recycling stations are installed in all new restaurants, 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

7.30 Taking all relevant considerations of the NPPF into account, this section has demonstrated that the application proposals comprise sustainable development 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 Policy ST1, there should be a presumption in favour of the application proposals.

8.0 Conclusions

8.1 This Planning Statement has been prepared by Lichfields on behalf of McDonald's Restaurants Limited. It accompanies a full planning application in relation to the development of land to the south of Lane End in Kirkby in Ashfield for the following:

"Development of a drive-thru restaurant (Use Class E/sui generis) with associated access, servicing, car parking, hard and soft landscaping and other associated works".

8.2 This application follows the withdrawal of an earlier planning application (reference: V/2024/0294) which sought permission for a similar form of development, earlier this year.

8.3 Following discussions with Officers at Ashfield District Council and Nottinghamshire County Council Highways Department, McDonald's has amended the scheme with vehicular access now proposed via Lane End to the north. A revised layout and updated technical assessments have been submitted.

8.4 This Statement has provided context and further detail in relation to the revised scheme, and then assessed the application proposals against the statutory development plan. It has also sought to identify other relevant material considerations, including relevant national planning policy.

8.5 The application site comprises a brownfield site which has been vacant for a number of years. It is an accessible location on the B6020, a main arterial route through the town and prominently located at the western entrance to Kirkby in Ashfield Town Centre, adjacent to Kirkby in Ashfield train station and a number of bus routes.

8.6 In line with the requirements of national and local planning policy, a sequential site assessment has been undertaken. This has demonstrated that there are no sequentially preferable opportunities within Kirkby in Ashfield Town Centre which could realistically accommodate the proposed development. On this basis, it is concluded that the proposals meet the town centre policy requirements of the NPPF and the development plan.

8.7 In terms of its contribution to the range of employment opportunities, the proposed development will bring a vacant site into active use and will result in a series of economic benefits for Kirkby in Ashfield, including:

- Support 195 direct FTE construction jobs, as well as supporting a further 235 indirect FTE jobs during the construction phase;
- Generate an additional £11.5 million of Gross Value Added during construction;
- Create 80 direct headcount jobs (55 direct FTE jobs) on-site, once the proposals are completed and operational. This could support a further 45 indirect and induced FTE jobs in the wider region;
- Generate an additional £1.1 million of GVA per annum through direct operational employment; and
- Deliver an uplift in business rates revenue in the order of £51,200 per annum – of which £25,600 would be retained locally.

8.8 In terms of other benefits of the scheme, McDonalds is a strong advocate of sustainability, with almost all restaurants powered by 100% renewable energy, and 80% of their packaging is recyclable. As a result, the proposal would deliver social, economic, and environmental benefits to the local area.

8.9 The proposed development is broadly in accordance with the statutory development plan when considered as a whole, and represents sustainable development as defined in the NPPF.

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