



## Appeal Decision

Site visit made on 7 August 2023

by **K Ford MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 September 2023

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### Appeal Ref: APP/P3040/W/23/3318508

### Landmere Lane, Edwalton, Nottinghamshire NG12 4DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant hybrid planning permission.
  - The appeal is made by Edwalton Properties Ltd against the decision of Rushcliffe Borough Council.
  - The application Ref 22/01972/HYBRID, dated 11 October 2022, was refused by notice dated 21 December 2022.
  - The development proposed is hybrid planning application comprising FUL planning application for erection of drive-thru coffee shop with associated access, parking (including 10 electric vehicle charging points), landscaping and associated infrastructure works and outline planning permission (all matters except access reserved) to construct office building including associated parking, infrastructure and landscaping works.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. As part of the appeal the appellant has submitted amended plans. However, the appeal guidance<sup>1</sup> is clear that the appeal process should not be used to further a scheme. I have therefore used the plans considered by the Council and which interested parties have had an opportunity to comment on in the determination of the appeal.

### Main Issues

3. The appeal relates to a hybrid planning application for the erection of a drive-thru coffee shop with associated access, parking, landscaping and infrastructure in full and an outline proposal for an office building with associated parking, infrastructure and landscaping. The Council has not raised any issues with regards the proposed office building and I have no reason to disagree.
4. The main issues of the appeal are therefore:
  - The effect on the character and appearance of the area
  - The effect on highway safety
  - Whether the proposal requires a retail impact assessment.

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<sup>1</sup> Procedural Guide: Planning Appeals – England – Annexe M

## Reasons

### *Character and Appearance*

5. The appeal site is an area of open land in a prominent corner location on Landmere Lane, close to the junction with Melton Road. Surrounding uses of the site include a car dealership adjacent to the site, a 3 storey office building opposite (known as Toll Bar House), a retail centre and further along Landmere Lane a garden centre and residential care home. The site is viewed primarily in the context of the car dealership which is of contemporary design and materials and the brick built Toll Bar House. The site forms part of a gateway into Landmere Lane from Melton Road. The site has outline planning permission for an office development<sup>2</sup>.
6. The proposed contemporary styled single storey flat roofed building would have a boxy low level functional appearance. This would be punctuated by a roof mounted bulky signage blade that would be of a scale that would be disproportionate in size to the rest of the building creating an incongruous appearance.
7. Whilst the mix of materials would add a level of texture, depth and interest on the elevations that face into the site, one of the most visually prominent parts of the building on the corner of Melton Road and the Landmere Lane junction would have a blank elevation made up of cement cladding with a service door providing the only relief. I do not consider the ribbing in the cement would overcome the harm. The proposed landscape planting would also do little to break up the bland, largely featureless façade irrespective of whether it would be viewed at an angle, as highlighted by the appellants.
8. The appellants draw comparison with other commercial units and signage within the vicinity. Whilst the area is characterised by a mix of building styles and materials the appeal site is distinct from units in the inwardly facing retail park as a result of the prominent corner location. When considered in the context of Toll Bar House which shares the other half of the gateway location, the proposal would be of poor design and appearance for the reasons identified.
9. The scheme includes provision for 10 electric vehicle charging points. Whilst the appellants say the proposed location of the associated sub station and transformer units reflects practical requirements, the scale, bulk and positioning of the units would mean that there would be a harmful impact on what is a sensitive gateway location. The proposed planting would only partially screen the units and fail to reduce harm to the street scene.
10. Whilst the appellants have supplied photographs of similar infrastructure to support their case, I have limited details on the context in which they were constructed and their wider surroundings which limits the weight I attach to them. In any event, each case is determined on its own merits and my assessment is based on the information before me.
11. The development would harm the character and appearance of the area. As such it would conflict with the part of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (LPP1) which requires new development to make a positive

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<sup>2</sup> Application 18/02853/FUL for the construction of Class B1a office building with associated access, car parking, landscaping, drainage and other infrastructure works including earthworks to alter the levels across the site.

contribution to the public realm and sense of place and gives consideration to massing, scale and proportion, materials, architectural style and detailing. The development would also conflict with Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2). Amongst other things this policy requires the scale, density, height, massing, design, layout and materials of development to be sympathetic to the character and appearance of the neighbouring buildings and surrounding area.

### *Highway Safety*

12. Landmere Lane off which the site is located serves a retail park and other commercial uses. The site is close to the signalised junction with Melton Road which is a main distributor road.
13. The appellant's transport statement concludes that the development would not exceed the traffic generation of the extant planning permission. However, it has been demonstrated that the data the appellant relies on to assess the highways implications is incorrect and out of date both in the original transport statement and the addendum. I share the view of the Highways Authority that the traffic patterns of the drive thru in terms of volume and timing would be different to the office development and justifies a revised appraisal. The adjustments made by the appellant in their final comments are insufficient to address the issue. I also share the view of the Highways Authority regarding the inappropriate timing of the submitted traffic survey given that it was undertaken outside what is considered to be a neutral month in the Planning Practice Guidance.
14. The appellant says National Highways are bringing forward a major improvement scheme that will address capacity issues on the network. However, there is little evidence before me to identify the implications for the development.
15. In the absence of evidence to demonstrate that the proposal can be accommodated within the network, alongside my observations of how the road was operating at the time of my site visit, I cannot be satisfied that the development would not result in a severe impact on the highway network. The development would therefore conflict with the part of Policy 1 of LPP2 which requires new development to have a suitable means of access without detriment to highway safety.

### *Retail Impact Assessment*

16. Policy 20 of LPP1 makes provision for a neighbourhood centre at Melton Road and at paragraph 3.20.7 of the supporting text it is clearly identified that any new retail development proposals as part of the development area should be supported by a retail impact assessment to consider the implications of the neighbourhood centre on existing retail centres. It is a site specific requirement that is not nullified by the provisions in Policy 27 of LPP2 which sets a non site specific generalised threshold of 500 square metres. Nor does the in principle support for retail development contained in the Edwalton Development Framework Supplementary Planning Document alter this.
17. The appellant has not provided a retail impact assessment. The implications of the development are not therefore identified and there is conflict with Policy 20 of LPP1 as a consequence.

**Conclusion**

18. The scheme would deliver economic investment and jobs and would include electric charging points with climate benefits. However, these considerations, either individually or cumulatively, are not sufficient to outweigh the harm I have identified. I therefore conclude that the appeal should be dismissed.

*K Ford*

INSPECTOR