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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2020/0142/FUL	ITEM 2	
Proposal:	Demolition of the existing Ram Jam Inn and redevelopment of the site to provide three drive-thru units (Use Class A3/A5) and one drive-to unit (Use Class A1/A3) with associated parking and landscaping.		
Address:	Ram Jam Inn, Great North Road, Greetham, Rutland		
Applicant:	Godwin Developments	Parish	Greetham
Agent:	Rapleys LLP	Ward	Greetham
Reason for presenting to Committee:	Resubmission following Refusal of application No 2018/0539 and Dismissed Appeal		
Date of Committee:	22 December 2020		

EXECUTIVE SUMMARY

The proposal to the demolish of the existing Ram Jam Inn and redevelopment of the site to provide two drive-thru units and one drive-to unit with associated car parking, landscaping and alterations to the site access, at the site of the existing Ram Jam Inn, Great North Road, Greetham. The proposal will provide 961 sq. metres Gross Internal Area (GIA) floor space in total and 72 no. car parking spaces, including 5 no. disabled parking bays. In addition, the scheme will provide a new landscaping scheme and alterations to the existing site accesses from the B668

It would provide roadside services on previously developed land primarily to serve users of the strategic highway network. Highways England has no objections. The revised scheme retains the row of preserved apple trees. The resubmission is considered to have addressed all the issues that result in the planning appeal for application No 2018/0539/FUL being dismissed. The use constitutes sustainable development and there are no reasons to refuse planning permission in this instance.

RECOMMENDATION

APPROVAL, subject to the completion of a S106 agreement and the following conditions:

Time Condition

- The development shall be begun before the expiration of three years from the date of this permission.
Reason – To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

Approved Plans

- The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers
 - Site Location Plan: B6509 PL 01
 - Site Plan: B6509 PL 021 B
 - Unit 1 plans: B6509 PL 22
 - Unit 1 elevations: B6509 PL 23
 - Unit 2 Plans: B6509 PL 24
 - Unit 2 elevations: B6509 PL 25
 - Unit 3 and 4 plans: B6509 PL 26

- Unit 3 and 4 elevations: B6509 PL 27
- Tree protection and removal plan: 19-145-01 A
- Tree Protection Plan: 19-145-02 A (Tree protection measures only not the layout)
- Landscape proposals: 19-145-03 A (Landscape not access arrangements)
- Visibility splays: J32-3395-PS-500B
- Unit 2 swept path analysis: J32-3395-PS-507 and J32-3395-PS-508
- Road signage: J32-3395-PS-505 Rev B

Reason - For the avoidance of doubt and in the interests of proper planning.

Pre-commencement Conditions

3. No works shall commence on site, other than in association with archaeology or contamination, until such time as the off-site highway improvement works at the junction of the B668 have been completed.
Reason: To ensure that the improvements are in place before demolition and construction vehicles use the site in the interests of highway safety.
4. No development shall commence until a scheme to deal with potential contamination of the site by asbestos fibres has been submitted to and approved in writing by the Local Planning Authority and the measures approved in the scheme have been fully implemented. The scheme shall include an investigation and assessment to identify the extent of the contamination and the mitigation measures to be taken, including a timetable, to avoid risk to the public when the site is developed.
Reason - The submitted ground investigation report found evidence of asbestos fibres in the ground and recommended that further investigation is carried out. The work is thereby required to ensure the safety of ground workers and future users of the site.
5. Prior to occupation of the development, the access at its centre line shall be provided in accordance with the submitted plan J32-3395-PS-500B. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times
Reason: In the interests of highway safety
6. No building or use hereby permitted shall be brought into operational use until the car/vehicle parking area shown on the approved plans has been completed and thereafter the area shall be kept free of obstruction and available for the parking of no less than 72 vehicles associated with the development
Reason: In the interests of highway safety
7. Prior to commencement of the development, the access at its centre line shall be submitted and agreed in writing. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic associated with construction and retained free of any obstruction at all times
Reason: In the interests of highway safety
8. No building or use hereby permitted shall be occupied or use commenced until a delivery and servicing plan has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved delivery and servicing plan for the lifetime of the development and updated on each change of operator of any of the retail units. The delivery and servicing plan shall include: a) The contact details of a suitably qualified co-ordinator; b) How vehicle arrivals, departures, parking, stopping and waiting will be controlled to minimise any impact on the adopted highway; c) Details of any freight consolidation operation, centre and the delivery and servicing booking and management systems;
Reason: In the interests of highway safety

9. No building or use hereby permitted shall be occupied or use commenced until a car park management plan setting out how the car park will be managed has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved car park management plan for the lifetime of the development. The car park management plan will be updated on each change of operator for any of the retail units and shall be for no less than 72 parking opportunities for visitors unless otherwise agreed in writing.
Reason: In the interests of highway safety
10. The site shall not be brought into operational use until such time a signing strategy, to be agreed in writing, has been submitted and implemented.
Reason: In the interests of highway safety.
11. No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:
- 24 hour emergency contact number;
 - Hours of operation;
 - Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - Routes for construction traffic;
 - Locations for loading/unloading and storage of plant, waste and construction materials;
 - Method of preventing mud being carried onto the highway;
 - Measures to protect vulnerable road users (cyclists and pedestrians)
 - Any necessary temporary traffic management measures;
 - Arrangements for turning vehicles;
 - Arrangements to receive abnormal loads or unusually large vehicles;
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.
- Reason: In the interests of highway safety
12. No development shall take place until the existing trees and hedges on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping / shown to be retained on the approved plan, have been protected by the erection of temporary protective fences in accordance with BS5837:2012 and of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.
Reason - The trees, including a tree subject to a TPO, are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.
13. No demolition of the existing Ram Jam Inn shall commence until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of historic building survey and recording
- The programme for post investigation assessment and analysis
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason - To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance.

On-going Conditions

14. No building shall be occupied until the sustainable urban drainage scheme for the site has been completed in accordance with the approved details on Plan 22286-01-230-02 Rev T. The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with the management and maintenance plan in Technical Note January 2020.
Reason: To ensure that the development does not lead to additional risk of flooding on the site or the nearby strategic highway network
15. No development shall take place above damp proof course level until there has been submitted to and approved, in writing, by the Local Planning Authority a detailed scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in Relation to Construction."
REASON: To ensure that the landscaping is designed in a manner appropriate to the locality and to enhance the appearance of the development.
16. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.
REASON: To ensure that the landscaping is carried out at the appropriate time and is properly maintained.
17. The development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.
Reason: To ensure that parking of vehicles on the adjoining highway network does not occur in the interests of highway safety and that appropriate parking is provided
18. Prior to the construction of the parking areas shown on the approved plans, details of the amount, location and design of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be provided prior to occupation of any part of the development in accordance with the approved details and retained for that purpose at all times.
Reason: To ensure an appropriate level of charging for electric vehicles is provided in

the interest of highway safety and provision of alternative fuels for sustainable means of travel.

19. The approved Travel Plan shall be implemented in all respects following the commencement of the operation of the units hereby approved.
Reason: The site is within an area of restraint requiring a greater degree of control over sustainable travel to encourage reduced dependence on the car having regard to policies CS1, CS4, CS18, SP1, SP15 of the Development Plan together with the advice in the NPPF.
20. Within 6 months of the first unit being occupied on site, a piece of art or other feature that depicts or reflects the historic significance of the site and the Ram Jam Inn, shall be permanently displayed on site in accordance with details that shall have been submitted to and approved by the Local Planning Authority. Such details shall include the design, location and maintenance regime for the feature.
Reason: In mitigation for the loss of the Ram Jam Inn that has some local historic interest, to ensure that there is a lasting presence on site to depict the history of the site for the benefit of its users in the future.
21. No unit shall be occupied until; such time as ecological mitigation has been implemented on site in accordance with the updated preliminary Ecology Appraisal & Internal Building Inspection Report (Wardell Armstrong, Report 001, April 2020).
Reason: To ensure that adequate mitigation for ecology is undertaken as part of the development

Prior to the occupation of any units hereby approved details of a strategy to deal with litter from the site including the provision of on-site litter bins shall be submitted to and agreed in writing by the Local Planning Authority. The strategy shall then be implemented in accordance with the agreed details prior to the use commencing.

22. Prior to the first use of any external lighting / floodlighting within the development site, the light source shall be agreed in writing by the local planning authority and then so positioned and shielded to ensure that users of the highway and the surrounding countryside are not affected by dazzle and/or glare.
Reason: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety and to protect the rural character of the area.
23. Prior to any development taking place a method statement shall be submitted to and approved in writing by the local planning authority demonstrating how the impact on the protected verge will be mitigated. The development shall then only be implemented in strict accordance with the agreed method statement.
Reason: The verge to the north and south of the access point is protected due to its botanical diversity.
24. Prior to the occupation of any units hereby approved details of a strategy to deal with litter from the site including the provision of on-site litter bins shall be submitted to and agreed in writing by the Local Planning Authority. The strategy shall then be implemented in accordance with the agreed details prior to the use commencing.
Reason: In the interests of protecting the general amenity of the area.

Notes to Applicant:

- The Scheme of investigation for Archaeology shall in this case be a formal photographic record of the existing building, interior and exterior.
- The approved plans for the buildings include the materials shown thereon.
- This permission establishes 4 mixed use buildings from which there are no

permitted changes of use without a further planning permission.

- The art or feature required by the above condition can be inside Unit 1 or on the open part of the site. It should take account of historic references in the existing building.
- This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant. The attached planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.
- The applicant would be required into a S278 agreement to undertake the works and no technical approvals are made at this time. At this time a Stage 1 Safety Audit has not been provided and this would be required prior to any commencement.

Site & Surroundings

1. The site is located in open countryside adjacent to the A1 junction at Stretton, 12.8 kilometres (8 miles) east of Oakham and 2.5 kilometres (1.5 miles) east of the edge of Greetham.
2. The application site has an overall area of approximately 0.67 Hectares (1.66 acres).
3. The site comprises the historic Ram Jam Inn, an area of overgrown open land, a large car park and some mature trees. The Inn has been closed for around 7 years. Whilst it has historic associations with Dick Turpin, it is not listed and has been badly altered and extended during the 20th century in particular.
4. Adjacent to the site is the petrol filling station, (which includes a local convenience store) with access direct off the A1, to the rear of which is the newly built Greetham garage which has relocated out of the village. The main access to the Ram Jam and Greetham Garage is from the B668 Greetham Road to the west.
5. Access from the A1 is primarily for the petrol station, however there are legal access rights through the forecourt into the Ram Jam site itself.
6. The site is screened from Greetham Road by high hedging. An orchard was located inside the Greetham Road access but has largely been removed in the past 12 months. The remaining Orchard trees and a large Sycamore in the car park are the subject of the TPO.
7. The application as originally submitted included Drawing No's J32-3395-PS-550B and J32-3395-PS-506 which show the arrangement for 2 way access of vehicles between the Service Filling Station and the proposed development on the site of the existing Ram Jam site. An informal access arrangement operates at present were vehicle access the filling station forecourt from the B668 Greetham Road.
8. Following the request of officers revised Drawings No J32-3395-PS-500 and B6509 (PL) 021B have been submitted showing access to the Ram Jam site from the Service filling Station but no access for vehicles from the B668 Greetham Road to the service filling station. We are currently seeking comments on these amended plans.
9. The application was deferred at the November meeting in order to allow consultation of the

Greetham and Stretton Parish Councils and residents on the submitted amended layout drawing showing a one way access from the SFS into the Ram Jam Site. Any responses received will be reported in an addendum to this report at the meeting.

Proposal

10. The current application proposes the demolition of the existing Ram Jam Inn and redevelopment of the site to provide two drive-thru units and two drive-to unit with associated car parking, landscaping and alterations to the site access, at the site of the existing Ram Jam Inn, Great North Road, Greetham. The proposal will provide 961 sq. metres Gross Internal Area (GIA) floorspace in total and 72 no. car parking spaces, including 5 no. disabled parking bays. In addition, the scheme will provide a new landscaping scheme and alterations to the existing site accesses from the B668
11. The site is set out as illustrated in the plan at Appendix 1. The parking and circulation area are indicated. Access would be primarily from the B668 rather than from the A1 but there is a right of way across the separately owned petrol station forecourt to the application site. At the request of the Local Highway Authority this has been amended to be one way with a separate exit on to the A1. It is also proposed to provide a 3m shared footway/cycleway which extends northbound to tie in with the existing provisions, and provide the beginning of a route southbound for approximately 15m past the proposed junction into the site.
12. The application is accompanied by a Travel Plan, Arboricultural impact assessment, Statement of Community Involvement, Structural survey, Transport and Planning Statements, Drainage Strategy, Ground Investigation Report, Landscape proposals and ecology assessment.
13. The four units would provide:
 - Unit 1 (Use Class A1) – the unit will have a Gross Internal Area (GIA) measuring 418 sq.m and is located in the eastern section of the site.
 - Unit 2 (Use Class A3/A5) – the unit will measure 307 sq. m (GIA) and will be situated on the southern area of the site.
 - Unit 3 (Use Class A3/A5) – the unit will measure 166 sq. m (GIA) and will be situated to the north of the site adjacent to Unit 4.
 - Unit 4 (Use Class A3/A5) – the unit will measure 70 sq. m (GIA) and will be situated adjoining Unit 3.
14. The units would have the following approximate heights:
 - Unit 1 – 8.5m
 - Unit 2 – 6.5m
 - Unit 3 – 8.5m
 - Unit 4 – 8.5m
15. The buildings have been designed to reflect the character and appearance of the surrounding area. It is proposed to use reclaimed existing stone from the Ram Jam Inn in the construction of unit one along with reconstituted stone, Scotlarch Timber vertical cladding and fibre cement slate roof tiles, across the whole site.
16. In compassion the development proposed under application No 2018/0539 (see appendix 2) was also to demolish the existing Ram Jam building but erect 4 new buildings as described below. A1 uses are for normal retail purposes, A3 is for Restaurants and Cafés and A5 is for hot food takeaways. The proposal involved a mixed use for the units as set out below
17. The four units would have provided:

- Unit 1 - 506m² drive through (2 storey)
 - Unit 2 – 229m² drive through
 - Unit3 – 167m² drive through
 - Unit 4 – 70m² drive to
18. This compares to the previous approval in under reference No 2017/0278/FUL (see appendix 3) which comprised:
- 260m² of B1 Office,
 - 993m² of B2 industrial,
 - 268m² of retail plus associated circulation areas; and
 - 118m² of café.
19. The building proposed under application 2018/0539/FUL would have been the following heights:
- Unit 1 – 7.5m (8.6 plant on roof)
 - Unit 2 – 4.5m at rear, 5.3m at front
 - Units 3/4 – 5.1m (tower 6.9 max)
20. These dimensions compare to the previously approved granted approval under reference number 2017/0278/FUL as follows:
- Main Ram Jam Inn – 9.08m (highest part)
 - Unit B (adj Greetham Garage) – 7.16m
 - Unit C – 7.5m
21. A sequential test has been undertaken to establish if there is a suitable site for the specific development in a local town centre. An assessment of Oakham, and Uppingham was undertaken and it is concluded that no site is available for the proposal, which in any event is intended to primarily operate as a roadside service for users of the A1.
22. A retail impact assessment has also been undertaken that concludes that the development would not have a detrimental impact on Oakham or Uppingham Town Centres.
23. Prior to the submission of the current application a presentation was made to Ward Councillors on 28th November 2019.

Relevant Planning History

Application	Description	Decision
2017/0278/FUL	Mixed Use Development for retail; offices and business use	Approved Sept 2017
2018/0539/FUL Appeal Ref APP/A2470/W/18/3 218899	Demolition of the existing Ram Jam Inn and redevelopment of the site to provide three drive-thru units (Use Class A3/A5) and one drive-to unit (Use Class A1/A3) with associated parking and landscaping	Refused by Planning and Licencing Committee Appeal Dismissed 11 September 2019

Planning Application Ref. 2017/0278/FUL for a mixed use development comprising the following:

Existing Ram Jam Inn

Demolition of the later additions and use of the ground floor as part retail showroom (Use Class A1) for furniture display (comparison goods) and part as coffee shop (Use Class A3). The furniture store would be 268 sq. m, the café 118 sq. m with staff and storage areas of 51 sq. m and circulation areas of 47.5 sq. m. The first floor offices would amount to 260m² with additional staff and storage areas of 29 sq. m and circulation areas of 94 sq. m.

New B2 industrial units

2 new 2 storey buildings are proposed providing a mix of units with sizes ranging from 60 sq. m to 297 sq. m. The size and split of internal arrangement of these buildings is flexible, and each could provide one to three units. One building would be on the car parking area adjacent to and 4.2m from the facade of Greetham Garage, measuring 30m x 10m, and the other on the open land to the west of the Ram Jam, at 42m x 16.5m.

The application was approved was approved at the Committee Meeting on 29th August 2017 and the decision notice was issued on 21st September 2017.

Planning Application Ref: 2018/0539/FUL for the demolition of the existing Ram Jam Inn and redevelopment of the site to provide three drive-thru units (Use Class A3/A5) and one drive-to unit (Use Class A1/A3) with associated parking and landscaping. The application was refused at planning committee with the following reasons for refusal given in the Decision Notice (25th October 2018):

1. The proposal would constitute an over-development of the site resulting in a prominent, poorly designed development in close proximity to the A1 which would be detrimental to visual amenity on this major entry to the County of Rutland, contrary to policies CS19 of the Core Strategy (2011) and SP7 and SP15 of the Site Allocations and Policies DPD (2014).
2. The density of development would lead to a shortage of parking for the predicted level of employees at the site. There is no local bus service to allow employees to travel in the evenings, resulting in increased use of private cars and potential for vehicle parking on the local highway network to the detriment of highway safety, contrary to Policies CS18 of the Core Strategy (2011) and SP15 of the Site Allocations and Policies DPD (2014).
3. The development would result in the loss of the Ram Jam Inn which is acknowledged as an iconic historic building on the main entry to the County of Rutland and its loss would not be mitigated by the design and layout of the proposed development. The proposal would thereby result in the loss of a non-designated heritage asset and there is insufficient public benefit to offset the resulting substantial harm, contrary to Policies CS22 of the Core Strategy (2011) and SP20 of the Site Allocations and Policies DPD (2014) and the advice in Para 197 of the NPPF.
4. The over-development of the site would lead to the loss of a row of preserved trees that is not justified and would be detrimental to visual amenity, contrary to Policy SP15 of the Site Allocations and Policies DPD (2014).

A subsequent appeal against refusal was heard by way of a Hearing on 18th June 2019 (Appeal Ref: APP/A2470/W/18/3218899) and subsequently dismissed on 11th September 2019 with the Inspector concluding that the harm to the character and appearance of the area would be significant and overriding.

Under the heading 'Planning Balance' the Planning Inspectorate stated

28. There would be harm to the character and appearance of the area in conflict with policy CS19 of the CS, and policies SP15 and SP7 of the DPD. There would be no harm arising from matters of highway safety and thereby no conflict with policy CS18 of the CS and policy SP15 of the DPD in this respect. However, the harm to the character and appearance would be significant and long-standing. Consequently, despite the reduced weight to the DPD SP7 policy conflict, the proposal would conflict with the development plan as a whole.
29. The development would generate up to 160 local jobs, in addition to short term construction jobs. The roadside facility would serve the strategic road network, complementing the adjacent PFS, avoiding users of the A1 having to travel off the road to find fuel and refreshments as well as seeking rest time. The proposal would regenerate a vacant, brownfield site which would make efficient use of land. Such economic, social and environmental considerations would accord with national policies of the NPPF that require decisions to build a strong competitive economy, promote sustainable transport and make effective use of land. Such benefits would weigh heavily in favour of the proposal.
30. The inn does not merit the status of a designated or non-designated heritage asset. Reduced weight has been given to the proposal's conflict with DPD policy SP7. However, the NPPF still requires development to be sympathetic to local character and history of the site, including the existing built development and landscape setting, which there would be a conflict with, due to the unbroken expanse of built form across the site. Importantly, the development would not establish or maintain a strong sense of place. The arrangement of streets, spaces, building types and materials would not create an attractive, welcoming and distinctive place to live, work and visit. The NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. For these reasons, such design failings would be determinative for this particular proposal. Consequently, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.
31. In summary, the harm to the character and appearance of the area would be significant and overriding for all the reasons indicated. Taken together, material considerations would not be of sufficient weight or importance to determine that the decision should be taken otherwise than in accordance with the development plan and therefore planning permission should be refused.

A copy of the appeal decision letter is attached as Appendix 4

Planning Guidance and Policy

National Planning Policy Framework

Para 11: Presumption in favour of Sustainable development. Para 8 explains that there are 3 dimensions to sustainability; economic, social and environmental.

Supporting a prosperous rural economy (Para 83):

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should (inter alia):

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;

Chapter 9 - Promoting Sustainable Transport

All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Chapter 12 – Achieving well designed places.

The Rutland Core Strategy (2011) Core Strategy (2011)

Policy CS1 – Sustainability Principles

New development in Rutland will be expected to:

- minimise the impact on climate change and include measures to take account of future changes in the climate;
- maintain and wherever possible enhance the county's environmental, cultural and heritage assets;
- be located where it minimises the need to travel and wherever possible where services and facilities can be accessed safely on foot, by bicycle or public transport;
- make use of previously developed land or conversion or redevelopment of vacant and under-used land and buildings within settlements before development of new green field land;
- contribute towards creating a strong, stable and more diverse economy
- include provision, or contribute towards any services and infrastructure needed to support the development

Policy CS3 – the Settlement Hierarchy

Policy CS3 sets out the defined settlement hierarchy for Rutland and identifies Greetham as a Local Service Centre, this is one of the largest villages in Rutland with a range of facilities and access to public transport. Stretton is classed as a restraint village.

Policy CS4 – The Location of Development

The site by definition is in open countryside, albeit alongside the A1, approximately 1.7 miles from the village of Greetham which will be a focus for small scale development. Stretton is clearly nearer but is a Restraint Village where new development will not be allowed in the current Development Plan unless it is appropriate to the countryside.

Policy CS7 – Socially Inclusive Communities

Policy CS16 – The Rural Economy

CS16 deals with the rural economy and (inter alia) seeks to:

- Safeguard existing rural employment sites and encourage their improvement and/or expansion (providing other policy requirements are met);
- Support small scale developments for employment generating uses (adjacent or closely related to the local service centres or smaller settlements) provided it is of a scale appropriate to the existing development where it would be consistent with maintaining and enhancing the environment and contributes to local distinctiveness of the area.
- Support the retention of community facilities such as pubs and shops.

CS18 - Sustainable Transport and Accessibility.

CS19 – Promoting Good Design

Site Allocations and Policies DPD (2014)

SP1 – Presumption in favour of sustainable development:

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- specific policies in that Framework indicate that development should be restricted.

SP7 - Non-residential development in the countryside

The policy allows for sustainable development in the countryside for small scale employment growth providing:

- The amount of new build or alteration is kept to a minimum
- The development would not be detrimental to the character and appearance of the landscape, visual amenity and the setting of nearby villages (Greetham & Stretton)
- The development would not adversely affect the character of, or reduce the intervening open land between settlements
- The development would be in an accessible location and not generate an unacceptable increase in the amount of traffic movements including car travel.

The policy also sets out where the conversion, re-use or replacement of buildings for employment use will be permitted. In particular if the building is capable of being converted and the proposal respects the form and character of the existing building. The type and scale of use must be appropriate to its location; in particular the use should not generate significant traffic movements in an unsustainable location.

SP15 – Design & Amenity - Various paragraphs on design, amenity and highway issues

Greetham Neighbourhood Plan

Policy CH1 – Built Form

Development within the Parish should be of a scale and density in keeping with the built form of the character area within which it is located, taking account of surrounding buildings, streets and spaces. Development should integrate with the street scene, through particular attention to boundary treatments; and where appropriate, conserve the character and appearance of the Conservation Area and its setting.

Policy CH2 – Green Infrastructure

Development should minimise impacts on biodiversity and provide net gains in biodiversity where possible. Planting of indigenous trees and shrubs to enhance biodiversity, soften the impact of development and/or enhance local character, will be supported.

This sets out advice on the strategic road network and the delivery of sustainable development. On roadside facilities, it advises that the maximum driving distance between services should be 30 minutes but that the distance can be shorter. In determining applications for new or improved sites, LPA's should not need to consider the merits of spacing of sites beyond conformity with the max and min criteria established for safety reasons. Nor should they seek to prevent competition. There is a preference for new facilities to be at on-line locations i.e. accessed immediately off the road in question and not sited away from the strategic network (e.g. for HGV parks this talks about 2 or 3 miles).

The scope and scale of retail activities at roadside facilities is a matter for consideration by the relevant local planning authority in line with the National Planning Policy Framework and local planning policies. However, local planning authorities should have regard to the primary function of roadside facilities which is to support the safety and welfare of the road user.

Operators of roadside facilities are encouraged to provide refuelling facilities for low emission vehicles, including recharging facilities for plug-in vehicles and other arrangements that meet the needs of emergent low carbon and alternative fuel technologies as appropriate

Within the Planning Inspectors decision letter particular reference was made to Policy SP7 in so far as, stating that this policy is inconsistent with the NPPF and out-of-date.

5. Policy SP7 of the Council's Site Allocations and Policies Development Plan Document (DPD) 2014 states sustainable development will be supported in the countryside where it is for certain developments, mainly rural-based. This includes essential investment in infrastructure including road side services for public safety purposes. This is provided, subject to amongst other matters, that such investment would not be detrimental to the character and appearance of the landscape and visual amenity.
6. The policy seeks to accommodate sustainable development in the countryside whilst at same time conserving and enhancing the natural environment which is reflective of the National Planning Policy Framework (NPPF). However, it does not match the more positive vision of the NPPF in supporting the expansion of all types of business in rural areas. It also does not match its broader vision supporting an appropriate mix of uses across an area to minimise the number of trips needed, such as shopping, and the identification and protection, where there is robust evidence, of sites and routes which could be critical in developing infrastructure to widen transport choice. For these reasons, the policy is inconsistent with the NPPF and out-of-date. The tilted test set out in NPPF paragraph 11 d ii will therefore apply, and the weight to any policy conflict would be moderate.

Consultations

24. Greetham Parish Council

3rd March 2020

- Greetham Parish Council note the comments of the Inspection from the Appeal which was dismissed from a previous planning application. - paragraph 16 [Notwithstanding the findings on heritage asset status and the trees, the harm to the character and appearance of the area would remain significant by reason of the unsightly over-development. Consequently, the proposal would be contrary to policy CS19 of the Rutland Core Strategy Development Plan Document (CS) 2011 and policy SP15 of the DPD, which amongst other matters, requires all new development to contribute positively to local distinctiveness and a sense of place, being appropriate and sympathetic to its setting in terms of scale, density, layout,

appearance and materials. In terms of DPD policy SP7, the development would be essential investment in infrastructure road side services for public safety purposes, but it would be detrimental to the landscape and appearance, and visual amenity considerations for similar reasons. As indicated, the weight to this policy conflict would be moderate]. Greetham Parish Council believes that whilst the appearance is better than the previous one, this is still an over-development and suitable for only one drive through unit.

- A development of this size should have a clearly defined traffic flow plan from the A1 and B668, which has not been submitted.
- In the event of any approved planning for a food outlet, a contract for clearing up rubbish is required.
- The transport and travel plan refer to access for workers by walking and cycling. There are no suitable footpaths or cycle routes.
- If this planning goes ahead there should be a condition of joining the Ram Jam by a public footpath to the Rutland network of paths and cycleways.
- It is suggested there should be a mini roundabout at both the B668 entrance and prior to the entrance to petrol station. Cross traffic from the B668 will create a hazard as they will be facing oncoming traffic on the A1 when using the petrol station.

14th May 2020

We stand by all our original comments. In particular, we are not happy that the footpath/cycleway and sewage issues have not been addressed. The footpath/cycleway is imperative to get people to work and the response from Anglian Water is not satisfactory as we already have ongoing sewage issues in Greetham.

25. Greetham Parish Council have made the following additional comments:

“Greetham Parish Council is in favour of the redevelopment of the site and believes that the current application is significantly better than the previous one. However, there are some issues which we would like to press which do not appear to be represented in the Planners recommendations that you have before you.

Firstly, the residents of Greetham do not wish to lose access to the petrol station and shop. The road layouts in the original application documents did not give us any cause for concern but we note that there is a new road layout would appear to prevent access to the petrol forecourt from the B668 as it would be against a one way system. The drawing in Appendix 1 does not make this entirely clear as a tree is obscuring the detail of the road junction at the critical point. So we would like clarification on this matter.

Secondly, in line with RCC’s policies of promoting pedestrian and cycle routes to improve sustainability, we believe there is a strong case for there to be a requirement for a S106 Agreement for the applicant to fund the extension of the pedestrian / cycle route from Greetham to the Ram Jam site. This would also complete the link to Oakham. We note that there is the prediction for there to be 160 jobs created by the development, who otherwise will have to travel by car as there is no bus service.

Thirdly, we are concerned at the almost inevitable increase in rubbish that there will be along the B668. Greetham takes great pride in keeping our village clean and tidy. Villagers regularly partake in litter picks within the village and the B668 is a gateway into Rutland. There is ample evidence that roads leading from such fast food outlets to centres of local population will be subject to significant quantities of rubbish which is simply thrown out of the car windows. This is highly regrettable, but a fact of life. It would be very undesirable if rubbish is not regularly cleared from the verges and as it is the product of the fast food outlets they should have the responsibility to clear it up. It is likely that the rubbish will continue all the way to Oakham as this will be the point at which the food has been consumed.”

26. Stretton Parish Council

Whilst we welcome the development of a site that has become derelict for several years and also welcome the job opportunities this provides for the local community, there are still several concerns with regard to this development which we would ask RCC to resolve before granting approval.

- In 2019 we raised our concerns about the ability of the current sewage system to cope with the increase in sewage needs for the development. We note that a further letter from Anglia Water states that the system can cope but we asked that Anglia Water acknowledges the current situation, that sewage is routinely pumped from Clipsham and Stocken HMP via Stretton to Greetham and Cottesmore, often at night when demand is lower. There have been failures of the pumping infrastructure late in 2019 and in January this year. (RCC Cllr G Brown has details). We also understand that available electricity supplies limit the size of pumps being used at Stretton and that HMP Stocken is in process of increasing its population. Therefore, we ask that Anglian Water specifically address this issue and provide a renewed assurance that the sewage infrastructure can satisfactorily cope with the additional requirements.
- The local community currently has regular access to the Petrol Filling Station (PFS) and mini supermarket (SPAR). Indeed, southbound A1 traffic would need to use the same entrance as locals. There is a bottle neck leading onto the garage forecourt where local traffic faces vehicles coming from the A1. This is an important feature to local people and, given that the orientation of the shop is about to change, we ask that further consideration be given to the traffic flow, protecting the ability of local people to obtain petrol.
- There is an issue with southbound traffic. Access to the site must come from the Stretton roundabout and underpass. With the traffic flow proposed, southbound traffic would enter the site via the B668 and then retrace steps back onto the B668. It is likely that this traffic will wish to refuel, in which case the point above is relevant.
- It is disappointing that, despite comments from the local community, the developers wish to go ahead with 'fast food' outlets. Several members of the public suggested that a 'high end' outlet, such as M&S Food, would provide benefit to the local community. The developers should state why this cannot be the case. Clearly, the development is biased towards passing trade and does not demonstrably benefit the local community.
- There is much concern about the litter being created by fast food outlets. We ask that a precondition is that contractors are obliged regularly to clean up the roads in the vicinity. If southbound traffic is given access, the most likely litter drop location is on the southbound slip road past Stretton and The Shires. A clean up contract must include the slip road up to The Shires.
- We support the view that a mini roundabout on the B668 would benefit traffic flow.
- In last year's application, there was some concern about a medieval sundial which was not affected by the first plans but now will be, should the Ram Jam be demolished. If demolition is agreed, care should be taken to preserve these artefacts and make a full photographic record.
- Cycle Path. The transport plan refers to workers walking or cycling to work. While this can be done from Stretton, it cannot be done from Greetham. We suggest that a cycle/walking path would benefit both villages. Policy CS8 states that developer contributions will be sought for on and off site infrastructure needs. Agreement to contribute to the cycle path would provide benefit to the local community and provide a sustainable means of staff members getting to work

27. Anglian Water

No objection on water treatment works capacity or sewage network capacity.

28. Ecology

- This application is supported by an Ecological Appraisal (Wardell Armstrong, April 2020). This survey indicates that the site comprises predominately species-poor semi-improved grassland, a small area of plantation woodland, scrub and hard standing. None of the habitats on site would meet Local Wildlife Site criteria.
- The building on site has been subject to a series of bat surveys over the last three years, summarised within this submitted report. The building has been found to support a small number of Brown Long-eared bats and a small number of Common Pipistrelle bats (non-breeding day roosts). I am unable to find a bat mitigation plan submitted with the application, but am confident that given the low level use of the building by bats mitigation will be possible within the proposed development. The previous application on this site proposed the installation of bat boxes on retained trees on site and this is likely to be an appropriate way forward for this application. A bat mitigation plan could be submitted prior to the determination of the application, or it could be required as a pre-commencement condition. Any proposed lighting should not be directed at the replacement bat roosts.
- The recommendations in section 5.2.12, 5.2.14 and 5.2.15 should also be followed.
- Section 3.3.1 of the report states that 'it is considered unlikely that any of the Local Wildlife Sites will be adversely impacted by the proposed development'. I disagree with this statement and it has been confirmed that the application will require re-profiling of the verge to the south of the access on Greetham Road. The verge to the north and the south of the access point meets Local Wildlife site criteria due to its botanical diversity. It is my understanding that an area of this verge will be lost (as hatched in the attached plan), which will lead to the loss of a small area of the Local Wildlife Site. This will require some mitigation and working methodology. Most importantly is the need to minimise the area of loss/impact to the verge; prior to any works we would recommend that protective fencing is installed along the area to be retained, thereafter no works will take place, or machinery or materials stored, within the fenced area – all works should take place from the road. This will minimise the impact on the retained habitat. The use of removing and retaining the turf from the impacted area of the verge to replace on the re-profiled area has been discussed. Whilst we are not against this idea it would require the correct removal and storage of the turf to try to maximise the likelihood of it regenerating. This could be costly and may be disproportionate to the impact, but would be worth trying if the LPA felt it reasonable; it would help to retain the existing seedbank on site and, if works, will allow the diversity of the new verge to be in line with the retained verge. I appreciate that these highway works are outside of the red-line boundary and would therefore defer the acceptability of these requests to the LPA. However, I would recommend that a method statement is submitted demonstrating how the impact on the verge will be minimised. This can be submitted as a pre-commencement condition.

29. Archaeology

- The Leicestershire and Rutland Historic Environment Record (HER) shows that the application site is situated within an area of archaeological interest, the Ram Jam Inn was constructed in the 18th century as a stone built coaching inn, originally called the Winchelsea Arms. Historical accounts traditionally associate the building with the Dick Turpin, the 18th century highwayman, whilst the latter is unlikely to leave any archaeological trace it contributes to the historical significance of the structure.

- The submitted information indicates that the 18th century core remains at the centre of the building, with later alterations and additions to the south and west. We also hold a record on the HER to indicate that a stone medieval sundial is set within the front elevation (HER ref.: MLE5324).
- Appraisal of the submitted details indicates that the proposed works may affect or expose significant archaeological information, including surviving historic fabric within the affected building and buried archaeological remains within its vicinity. As such we recommend the appropriate investigation, in this case a level 3 historic building record is undertaken prior to the building demolition.
- No objections have been raised subject to conditions securing the recording of the existing building prior to demolition.

30. RCC Highways

The parking requirement is acceptable by RCC. The applicants have amended the layout in order to address the highway authority's original concerns. The proposed scheme is considered to be policy compliant and acceptable from a highway safety point of view.

31. Highways England

Following further meetings and discussions there is no objection subject to conditions as set out above in the recommendation.

32. Environmental Protection

No Objections subject to the following condition:

- No development shall commence until a scheme to deal with potential contamination of the site by asbestos fibres has been submitted to and approved in writing by the Local Planning Authority and the measures approved in the scheme have been fully implemented. The scheme shall include an investigation and assessment to identify the extent of the contamination and the mitigation measures to be taken, including a timetable, to avoid risk to the public when the site is developed.

33. Rutland History and Record Society

- I am again writing on behalf of the committee of the Rutland Local History and Record Society. We commented in 2018 on the proposal to change this site and cannot really see any change to our narrative with regards to the proposal. We appreciate the substantial Planning Statement directs us to every single planning law applicable to the site, however the statements associated with these display a somewhat biased attrition.
- I refer you to the comments made in 2019. "The proposal to develop this site to provide two drive through units does need considerable care and consideration, as the history of the building and the context within the landscape is of importance. We therefore object to any demolition of the building. Because of the location it is essential that archaeology specialists are involved throughout any major works, not just as a 'desk top' assessment but with an archaeologist to attend any ground works, as a condition for consent as well as a building survey at level 4.
- We would refer to the letter of Simon Loaring from the Planning Department to previous applications dated 18th July which has recommended archaeological intervention, we are in complete agreement with the recommendations and would add

further information from Victoria County History which notes that the “The Ram Jam Inn has a Saxon sundial, found in excavating the new foundations, is inserted in the walling, and above the doorway is a carved stone, formerly on a house in Stretton, depicting the fight between Cribb and Molyneux at Thistleton Gap in 1811. As a non-designated heritage building this is of historical importance to the narrative for the area.

- The Greetham Neighbourhood also states that any development should preserve the character and heritage of the village and ensure that any new development complements this rather than distracts from it. Item 7.3 b) states than any new development visible on entry to the village reflects the character of the historic core and does not detract from the charm of the village, as a Society we feel that this development does not address these statements to any satisfaction”

Neighbour Representations

34. 7 letters of representation have been received and these are summarised below, full details of the responses are available to view on the Council’s website:

- Nothing has been done to address the Inspectors previous reasons for refusal and the requirements for the historic Ram Jam Inn to be retained,
- Concerns about highway especially vehicle movements to and from the site on to the A1,
- Stretton Pumping station is already struggling to cope with sewage issues,
- The redevelopment of the site under application 2017/028/FUL would be far better as this retains the Ram Jam Inn,
- The amount of paperwork submitted with the application puts people off commenting on the application,
- The Inspector confirmed that the retention of the Ram Jam Inn was important as it possesses local distinctiveness and a sense of place because of its local vernacular construction and landscaped nature. He said its removal would be detrimental to the landscape and appearance, and visual amenity of a site that is set in an attractive rural area surrounded with fields, substantial hedgerows and trees,
- Nothing in the structural report indicates that the building is unsafe,
- There is no way 70 full time, minimum wage and zero hours contract, jobs can be fulfilled by local residents within walking or cycling distance of the site. The site has no Bus access so workers will need alternative transport access which is not addressed in the Transport Statement,
- Insufficient parking on site and space for HGV vehicles to manouver when delivering to the site,
- Poor access provision to the site, detrimental to highway safety,
- Concerns about the uses proposed on the site and the amount of traffic this will bring to the site,
- No reference to McDonald Site which have recently been allowed in the area and the fact that there are far more sustainable sites for this type of development,
- The Ram Jam Petrol Filling station has recently had consent to extend the shop which will also provide similar 24 hour facilities,
- It would also be helpful if details of the meeting with RCC on the 28th November 2019 were given in the list of documents to this planning application,
- Concens about conflict with vehcular movements with users of the adjacent petrol station forcourt,
- Concerns about overdevelopment of the site,
- The TPO trees should be retained on site no matter what the development,

- A mini roundabout should be installed on the B668 to help slow traffic,
- Concerns about tree planting blocking guttering of adjacent buildings,
- Concerns about litter,
- Concerns about impact on archaeology,

35. At the November meeting of the Planning and Licencing Committee the following additional views were reported in the addendum

Comment have also been made by the proprietor of Greetham Garage:

“There are 4 trees shown on the plan to be planted along our boundary between our building and the back of unit 2.

The roots of these trees will interfere with

- The mains sewage,
- the water supply to the Ram Jam Service Station and
- The pipe taking water from our Garage roof to our Rainwater harvester, all of which run along this boundary.

36. Comments received from a nearby resident

I am just submitting this comment in writing as it need not take up discussion time, however it is an important point.”

An objection letter has also been received from Mr & Mrs Harrison and is copied below:

“We would be most obliged if you would put before the members of the Planning and Licensing Committee the following, for their consideration relating to the above Planning Application.

We write on behalf of the many people who had expressed publically their unhappiness to the original, rejected, application and this subsequent revised application. Appreciating the short notice and the need to be brief and concise, we would ask that the following bullet points are evaluated fully.

Yours sincerely,

Mr and Mrs R. Harrison.

- Committee members should remember that the Planning Inspector confirmed their decision to not accept the Planning Officers recommendation for this type of development on this site.
- It is very unusual for the Planning Inspector to go against Planning Officers advice and even when the applicants Leading Council and two junior barristers made their submissions he was not persuaded that there was sufficient merit in allowing such an inappropriate use of this site to take place.
- That the applicant has an authorised, and we understand, fully approved development 2017/0278/FUL for this site. They have already started work on the site to keep this permission alive and RCC Planning have approved Building

Cladding etc. There is absolutely no impediment to this development taking place.

- This current application is very similar to the one rejected and except for some creative tinkering possesses all the same problems the original application had.
- Rutland has a duty to ensure all new developments are appropriate for the sites location, and the Planning Inspector made it very clear that this site is not regarded as suitable or appropriate for this type of development.
- The Planning Inspector also felt that the Historic and Iconic Ram Jam Inn should be retained. Its retention was key to the already approved Planning Permission, which is eminently more in keeping with the site, and one which RCC Planning Officers insisted upon when development of the site was first proposed.
- Highways England may well alter their opinion in light of their recent objection to 2020/0842/MAF, where they confirm that this section of the A1 has problems of safe and suitable access. It is not as if there are no alternative fast food, drive through, and sit-downs available. There are 6 at Colsterworth, 2 at South Witham, 1 at Tickencote as well as Food and Beverage Vans in lay-bys etc.
- We also applaud Rutland County Council's initiative, alongside our MP Alicia Kearns, to form the A1 working group. This group has already written to the Transport Secretary (as issued by Alicia Kearns and published in the Rutland and Stamford papers) calling for urgent and targeted action to resolve the issues with this Major Trunk Road.
- We can see nothing that has been done to eliminate the cross traffic problem with Southbound drivers accessing and egressing the development. This will have major implications to the villagers of Stretton and Clipsham, particularly the children in the Shires Residential Special Needs School.
- Parish Councils and Consultees have all expressed opposition to this development. Having looked carefully at this application we feel very little, if anything, has been done to address those varied and substantiated concerns, most of which, if not all were supported by the Planning Inspector in his rejection of the appeal. Committee members have these points to hand and can easily determine for themselves if and how they have been addressed.
- There is no tangible support for this development and unlike the approved and granted development for this site the type of jobs this development will deliver are low paid, insecure and involve travel to and from the site from Peterborough, Nottingham and Newark etc. The County Council has also approved the new Prison development at Stocken which will further exasperate the present overloaded sewage system affecting the villages of Stocken, Stretton, Greetham and Cottesmore. Everyone local can testify to these problems but to-date they are largely ignored.
- All we can ask is that the current Planning Committee reflects fully on the Planning Inspectors statement, made when he supported your previous Planning Committee's rejection. In this he stated ***'that the retention of the Ram Jam Inn is important as it possesses local distinctiveness and a sense of place because of its local vernacular construction and landscaped nature. Its removal would***

be detrimental to the landscape and appearance, and visual amenity of a site that is set in an attractive rural area surrounded with fields, substantial hedgerows and trees. And again refuse this application, support the Planning Inspector and other Consultees and safeguard this part of Rutland for this and the generations to come. The present granted development for the site does it."

37. In response to Consultation carried out on 11 December 2 further comments have been received. The first from Greetham Garage.

- 1) Drawing J32-3395-500 revision B (04/09/2020) showing a one way system preventing access to the PFS (petrol filling station) from the B668 is against our legal rights in our deeds Land registry Title No. LT399575 edition date 09/09/2010. It also prevents local access via the B668 road to the PFS and shop which will impact us all.
- 2) We are happy with the earlier drawing with 2 way traffic J32-3395-PS-500 (21/01/2020) with a Give Way to traffic leaving the PFS.
- 3) We are happy with the Swept path analysis on drawing J32-3395-PS-506. With my local knowledge, at present traffic naturally gives way from the B668 / car park access route to vehicles leaving the PFS. A deep pothole currently marks the area where traffic waits it's turn to access the PFS and shop and also our gates adjacent the A1/ PFS to access our Greetham Garage site.
- 4) Subject to our legal rights for access, services and boundaries being honoured, we have no objections to the development

38. The second from a resident in Stretton stating that;

With regards to the restricted vehicle access to the petrol station forecourt from the B668 I wish to object strongly, I am a local resident with 5 vehicles in our household that has relied on access to the filling station for over 30yrs. To my knowledge there has been no accidents or incidents with 2-way access to the forecourt so for someone to alter this on a whim is grossly unfair and poorly thought out with little or no consultation with those who rely on this access. I have no doubt that 25-30% of the business that uses the filling station forecourt enters from the B668. To suggest we can use other filling stations or take a large diversion to be able to use the ram jam filling station is just arrogant beyond belief.

I'm in favour of the general development of the area but not with the reduced access.

39. Any further comments will be reported to committee at the meeting

Planning Assessment

40. The main issues are policy, retention of the existing building, design/visual amenity, loss of preserved trees and highway safety.

Policy

41. The site is in open countryside but constitutes previously developed land. There is an extant permission for a scheme for conversion and erection of 2 new units for employment, retail and coffee shop uses which is larger in terms of floorspace. Permission was granted on the adjoining land for the re-location of Greetham Garage to the wider site, behind the existing petrol station.

42. This proposal is primarily for a roadside facility to serve the strategic highway network. There are no specific policies in the Development plan that deal with this type of

development so it needs to be assessed in that context rather than normal development in the countryside.

43. The site is in a sustainable location insofar as it is a roadside facility serving the strategic road network, complementing the adjacent petrol filling station, avoiding users of the A1 having to travel off the road to find fuel and refreshments as well as seeking rest time. The proposal will also generate up to 160 local jobs, in addition to shorter term construction jobs and is a good use of a brownfield site.
44. The scheme complies with Government Guidance in the Circular set out above and Policy SP1 (Sustainable Development).

Retention of the existing building

45. There has been opposition to the scheme on the basis that the Ram Jam has historic interest, including associations with Dick Turpin. It is unlikely that there is much of the building remaining from Dick Turpin's time, as he died in 1739. Details of the origin of the core of the building are unknown.
46. Historic England has confirmed that the building is not worthy of listing. Whilst the building is highly regarded locally the appeal inspector when determining application 2018/0539 stated that "Nevertheless, the exterior only in part retains a coaching house form due to significant extensions and alterations. There is some ornate plasterwork within the building, but this only reflects a 'olde English' idiom of the interwar years. The interior of the building has not survived leaving little evidence of its original form or how it functioned. As a result, there is little heritage significance that can be attached to the building and a designated or non-designated heritage status cannot be justified." A photographic record as requested by Archaeology would be appropriate in the circumstances.
47. In terms of the loss of a local facility (public house) there is a public house in Stretton approximately 850 metres from, the site and the Ram Jam itself has been closed for several years with little prospect of re-opening as a pub and hotel. Policy CS7 states that the loss of a public house will not be supported unless an alternative facility to meet local needs is available and equally accessible to the local community.
48. The policies of the Greetham Neighbourhood Plan are noted, together with the comments of Rutland History and Record Society.
49. The Policy seeks to ensure that development should be of a scale and density in keeping with the built form of the character area within which it is located. In this case that is isolated from the main part of the village and well away from the conservation area. The proposal does respect its surroundings and provides a well-designed roadside facility on a derelict brownfield site.
50. The applicant has previously agreed to provide a piece of art or other feature on site to depict the history of the site for the long term benefit of its users.

Design/Visual Amenity

51. The design of the building adjacent to the A1 is a modern take on a traditional design using glazing and stone for the elevations. The new building together with new landscaping and appropriate boundary treatments will represent an appropriate design approach.
52. The other 2 blocks of building are similar in design and together with existing screening and new landscaping will enhance the appearance of the site. It is reasonably well screened from the B668 by existing hedging and trees which will be retained and supplemented. As set out under the description of the proposal above, the proposed

buildings have a similar height to the previously approved scheme

53. The owner of Greetham garage has raised issues relating to boundaries etc. but these are essentially private legal matters.

Loss of preserved trees

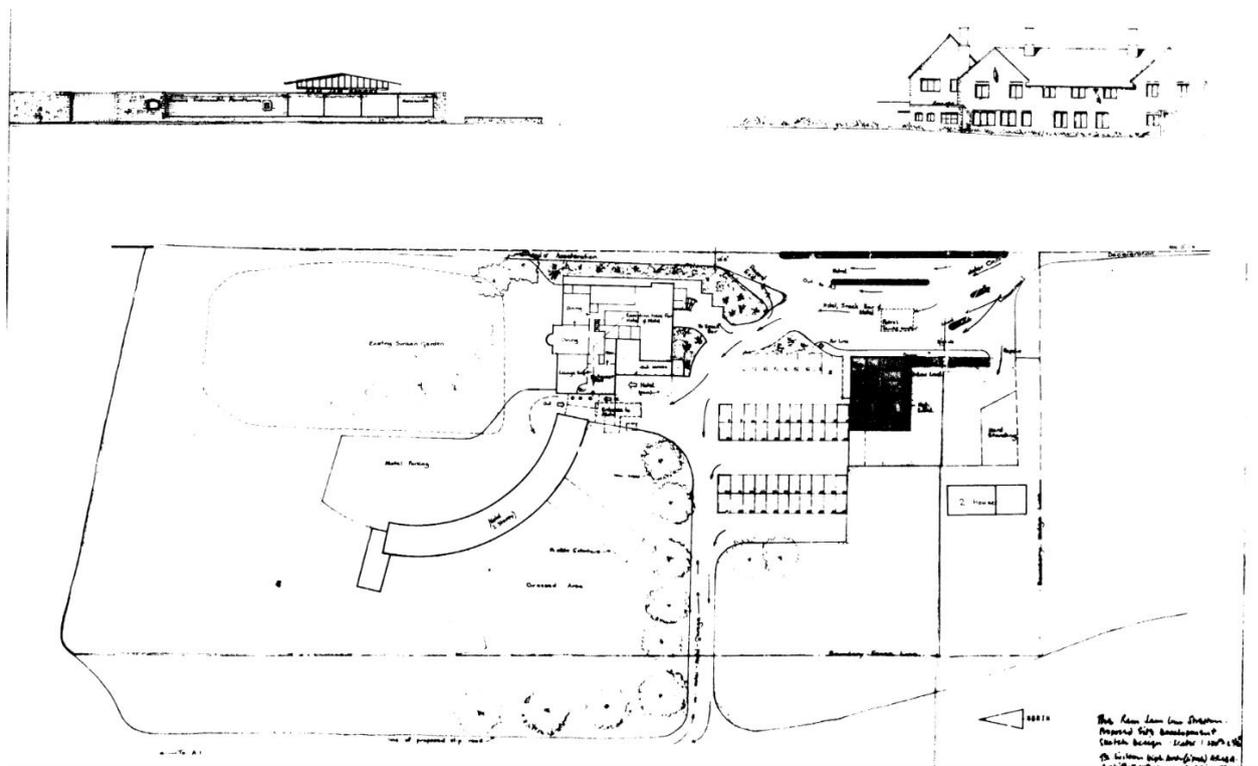
54. The recent TPO on the apple trees by the access from the B668 was served in response to the loss of the majority of the orchard before the site was acquired by the current applicants. The applicant has been asked to consider a layout that retains these trees. In response to the previous refusal which showed the majority of the trees being removed the applicant has now shown them as being retained.
55. Concern has been raised by the adjoining occupier about proposed trees shown on the site plan and their close proximity to the building. Condition 15 requires full details of all hard and soft landscaping to be agreed in writing and this issue can be controlled via that condition to ensure that any landscaping does not impact on adjacent buildings.
56. The retention of these protected trees is a significant improvement over the previously refused scheme. It is considered that subject to conditions securing the protection of the trees and additional landscaping that the proposals can be supported.

Highway Safety

57. The scheme provides for parking for 72 vehicles (inc 5 disabled bays) and 3 Sheffield cycle racks (6 spaces).
58. The submitted Travel Plan sets out how each unit would appoint a Travel Plan Co-ordinator who would survey staff and implement a travel plan for each unit with a view to reducing staff vehicles to site by 10% over the initial 5 year period.
59. There are no serious accident records from around the area that would indicate existing safety concerns that may be exacerbated by the proposal.
60. The Transport Assessment states that a Servicing Management Strategy will be drawn up to ensure that deliveries of goods take place outside of peak times as there is no specific off-loading areas proposed. It will also specify routes to the site via the B668. A Construction Traffic Management Plan is also to be secured by condition.
61. The Assessment concludes that the proposal would result in an additional 68 and 63 two way vehicle movements during the peak am and pm periods compared to a fully functioning Ram Jam and hotel as currently exists. This is less than one additional 2-way trip every minute which is negligible in terms of the local and strategic highway network and how it operates at present and no changes are required to local junctions.
62. Access to the site is available from the B668 Greetham Road together with a right of way onto the site from the petrol filling station. This will split the potential additional traffic so reducing the impact on one access. Favour is given to the B668 access and signs are proposed to direct traffic from the northbound carriageway in that direction.
63. The priority access junction off Greetham Road which currently serves the Ram Jam Inn, is proposed to be upgraded to incorporate a ghost right turn facility. The B668 carriageway will be realigned, with the give-way/access to the development site built out further into the existing carriageway.
64. With regards to the comments about the need for cycle and footpath links the applicants have proposed to install at the request of the Local Highway Authority a 3m shared

footway/cycleway which extends northbound to tie in with the existing provisions, and provide the beginning of a route southbound for approximately 15m past the proposed junction into the site. This would enable a future link to be put in by the authority to the south if required. I don't know how I get round this because the two-way solution has my personal 'objection', albeit not Highways England and just general I think it's daft / will cause harm. I know we are taking it to committee so the best I can probably do and I'll note this is sitting uncomfortably.

65. Representations received from MPK Garages Ltd through the consultation process of the current application, (who own and operate Ram Jam Service Station which adjoins the development site) and over which access is required to enter the development site directly from the north-bound A1 trunk road raised concerns through Consultant Adcock Associates over a previous planning application at this site for similar development, those concerns would still apply to this new application.
66. The intensified use of the neighbouring site is designed to attract a large number of vehicles off the adjacent A1 north-bound carriageway. Those vehicles must enter the development site through the petrol filling station forecourt to enter the proposed new drive-to & thru facilities. Concerned was expressed that those new traffic movements will create a hazardous situation with regard to increased risk of vehicle collisions on our fuel forecourt due to the conflicting directions of travel of forecourt fuel customers, fuel tanker deliveries and the customers of the multiple new drive-to/thru units. Drawing were attached which are included in appendix 5 of this report. The request from this neighbour was that this safety concern was taken into consideration on arriving at a decision.
67. Having checked the planning history for the site it is clear that when planning permission was granted for the Petrol Filling Station (PFS) under application 271/66 the access was designed to be one way from the PFS into the Ram Jam site (see approved plan below).



68. A further response received in May from Property Manager, MPK Garages Ltd stated that 'the proposed amended scheme still requires that any vehicles accessing the retail units from the A1 Northbound carriageway must be driven across and through the petrol filling station forecourt. This will create conflict of traffic movements within MPK's petrol

72. RCC Highways.... 'accedes that it does not have a strong influence over the internal matters nor the relationship of the A1 slip road with the Service Filling Station when the appropriate Highway Authority has raised no concerns.
73. To conclude the application as originally submitted included Drawing No's J32-3395-PS-550B and J32-3395-PS-506 which show the arrangement for 2 way access of vehicles between the Service Filling Station and the proposed development on the site of the existing Ram Jam site. An informal access arrangement operates at present where vehicle access the filling station forecourt from the B668 Greetham Road.
74. Following the request of officers revised Drawings No J32-3395-PS-500 and B6509 (PL) 021B have been submitted by the applicants agent showing access to the Ram Jam site from the Service filling Station but no access for vehicles from the B668 Greetham Road to the service filling station. It is this arrangement that officers consider addresses the safety concerns identified by the Service Filling Station and RCC Highways.

Other matters

75. A condition requiring details of any lighting scheme to be submitted is attached in order to ensure that any lighting scheme for the site is acceptable and respects the rural location.
76. Concern has also been raised in relation to litter at the site. Following further consideration an additional condition is proposed in order to mitigate this impact.

Conclusion

77. The proposed development would provide roadside services on previously developed land primarily to serve users of the strategic highway network. Highways England and the local highway authority has raised no objections to the proposed development. The revised scheme retains the row of preserved apple trees. The resubmission is considered to have addressed all the issues that result in the planning appeal for application No 2018.0539/FUL being dismissed. The use constitutes sustainable development and there are no reasons to refuse planning permission in this instance.

Appendix 1: -2020/0142



nicol thomas

Revision	Date	Details
A	23.04.2020	Revisions made by highways as per email 17.04.2020
B	09.09.2020	Revisions made by highways as per email 08.09.2020

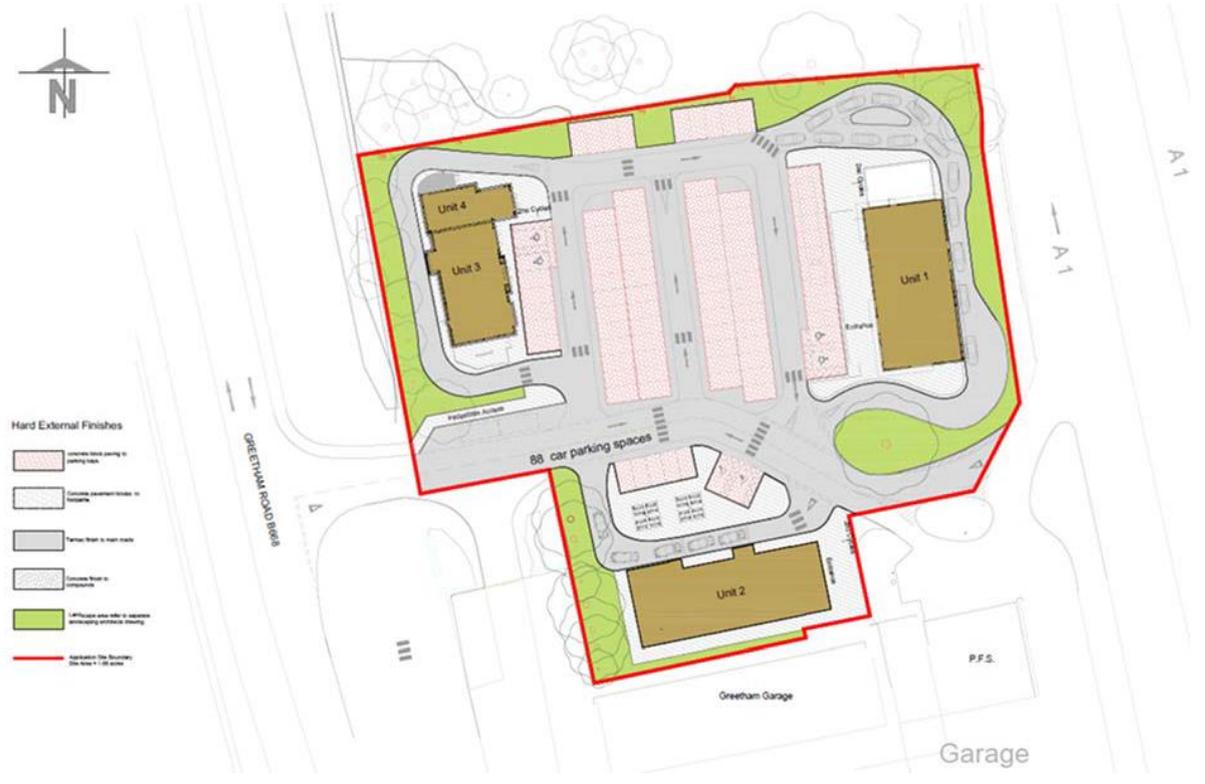
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For Landscape Proposal Plan, please see drawing 819-145-03 by BEA Landscape Design Ltd.



Client	Eastern Cheshire
Job	Plan, Site, etc. Details, Details
Drawing Title	Site Plan
Drawing Number	B5509 (PL) 021 B
Author	CSM/ML
Date	21.05.2020
Drawn by/checked by	JB/PFD

Appendix 2 – 2018/0539



Appendix 3 – No 2017/0278/FUL

Revised Plan 2017/0278/FUL
28.06.2017





Appeal Decision

Hearing Held on 18 June 2019

Site visit made on 18 June 2019 by **Jonathon Parsons**

MSc BSc DipTP (Cert Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2019

Appeal Ref: APP/A2470/W/18/3218899 Ram Jam Inn, Great North Road, Greetham LE15 7QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Godwin Developments against the decision of Rutland Council.
- The application Ref 2018/0539/FUL, dated 4 June 2018, was refused by notice dated 25 October 2018.
- The development proposed is the demolition of the existing Ram Jam Inn and redevelopment of the site to provide three drive-thru units (Use Class A3/A5) and one drive-to unit (Use Class A1/A3) with associated parking and landscaping.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Both main parties have agreed the proposal's description above which has been changed from the original planning application description in the interests of accuracy. A Unilateral Undertaking (UU) dated 18 June 2019 details a contribution for replacement trees in lieu of the apples trees, subject to a Tree Preservation Order, proposed to be felled, on the site and the taking of grafts from them for future propagation within Greetham Parish. This shall be commented upon in this decision.
3. Historic England (HE) undertook a site visit shortly before the hearing and issued a report on 2 August 2019. Main parties had agreed to wait for this report which has been taken into account in this decision, along with associated party comments, including third party and parish council.

Main Issues

4. The main issues are the effect of the proposal on (a) the character and appearance of the area, having regard to the heritage status of the inn building and trees, and (b) the highway safety of pedestrians, cyclists and drivers.

Reasons

Policy background

78. Policy SP7 of the Council's Site Allocations and Policies Development Plan Document (DPD) 2014 states sustainable development will be supported in the countryside where it is for certain developments, mainly rural-based. This includes essential investment in infrastructure including road side services for

public safety purposes. This is provided, subject to amongst other matters, that such investment would not be detrimental to the character and appearance of the landscape and visual amenity.

79. The policy seeks to accommodate sustainable development in the countryside whilst at same time conserving and enhancing the natural environment which is reflective of the National Planning Policy Framework (NPPF). However, it does not match the more positive vision of the NPPF in supporting the expansion of all types of business in rural areas. It also does not match its broader vision supporting an appropriate mix of uses across an area to minimise the number of trips needed, such as shopping, and the identification and protection, where there is robust evidence, of sites and routes which could be critical in developing infrastructure to widen transport choice. For these reasons, the policy is inconsistent with the NPPF and out-of-date. The tilted test set out in NPPF paragraph 11 d ii will therefore apply, and the weight to any policy conflict would be moderate.

Character and appearance

7. The appeal site comprises the former Ram Jam Inn, as extended, hard surfaced areas and grassland. The inn is partially stone constructed, with gables facing onto a main road (the A1), joined by a three bay central section. The hardstanding mainly lies adjacent to a petrol filling station (PFS), with a commercial garage and convenience store, which is accessed off the A1. The garage has workshop buildings and parking areas behind it accessed from the Greetham Road, the B668. There is a vehicular access road from the B668 to the A1 through the hardstanding area.
8. The HE report identifies that the inn is not worthy of listing. It is acknowledged as an iconic historic building on a main entry to Rutland. It was used as a coaching inn to serve the stage coach traffic travelling along the Great North Road between London and Edinburgh, and it is one of the last remaining examples alongside this road. It is clearly highly regarded by local people, partly due to a purported association with Dick Turpin, and has recognition further afield, with connections to the American singer Geno Washington and the eponymous club in Brixton.
9. Nevertheless, the exterior only in part retains a coaching house form due to significant extensions and alterations. There is some ornate plasterwork within the building, but this only reflects a 'olde English' idiom of the interwar years. The interior of the building has not survived leaving little evidence of its original form or how it functioned. As a result, there is little heritage significance that can be attached to the building and a designated or non-designated heritage status cannot be justified.

10. Within the appeal site, there is a group of protected apple trees between the hardstanding and access road, garage and store buildings. Closer to the A1, there is a nearby protected Ash tree. There is a strong landscaped boundary of trees alongside the site's rear boundary adjacent to the B668 and within the site, adjacent to a car parking area serving the garage. There is grassland behind the extended inn and outside of the appeal site, further grassland and trees close to the inn building to the north. Beyond this, there is a road spurring off the A1 which joins up with the B668. Whilst the A1, along with the PFS and the inn development are conspicuous features, the surrounding area is attractively rural with fields, substantial hedgerows and trees.
11. The proposal would result in the demolition of the inn with its extensions and replacement with four commercial units, approximately 972m², of contemporary design using extensive timber glazing and glazing. The four units would be sited around the edge of the site with a hard surfaced area located centrally. This would comprise access, including drive-thru, and parking for up to 88 parking spaces. Additionally, there would be some drivethru hard surfaced areas between the buildings and site boundaries.
12. Existing boundary trees along the B668 boundary would be retained and reinforced with additional planting. Trees between unit 2 and the parking area serving the garage workshop would be mostly retained and there would also be a hedge between it and the garage. Additional landscaping, including shrub and tree planting, would also be planted at the entrances into the site and the northern open countryside boundaries.
13. However, there would be a substantial extent of unbroken hard surfacing and buildings across the site, which, along with parked vehicles, would result in a dominant and oppressive environment. There would be little visual relief to this with landscaping generally marginalised to the outer peripheries of the site. Such a built-up layout would be visually unattractive and a marked change from the existing situation with trees, including a protected group of apple trees, and grassland behind the inn. Under the UU, the proposed replacement of the trees with provision elsewhere some distance away would do nothing to compensate for loss on the site itself.
14. The PFS buildings are largely utilitarian in appearance due to their functional design. By reason of design, the recent hotel extensions to the inn are not of great architectural merit. However, the frontage part of the building with its stone construction still has attractive traditional visual qualities, notwithstanding its limited significance in heritage terms. As a result, the existing development does possess local distinctiveness and a sense of place despite its disuse because of its local vernacular construction and landscaped nature. The contemporary designed development, including the buildings and hard surfacing, have no such qualities and for the reasons indicated, the proposed development would be dominating and oppressive.
15. The Appellant's Tree Protection Plan shows a curved fence around the protected Ash Tree. Although this design is unusual, there is no reason why this issue cannot be resolved by a planning condition, even if it is due to the scale and manner of annotation on the plan. Hardstanding would not

encroach significantly into a Root Protection Area of an unprotected Ash tree sited just beyond the northern boundary of the site.

16. Notwithstanding the findings on heritage asset status and the trees, the harm to the character and appearance of the area would remain significant by reason of the unsightly over-development. Consequently, the proposal would be contrary to policy CS19 of the Rutland Core Strategy Development Plan Document (CS) 2011 and policy SP15 of the DPD, which amongst other matters, requires all new development to contribute positively to local distinctiveness and a sense of place, being appropriate and sympathetic to its setting in terms of scale, density, layout, appearance and materials. In terms of DPD policy SP7, the development would be essential investment in infrastructure road side services for public safety purposes, but it would be detrimental to the landscape and appearance, and visual amenity considerations for similar reasons. As indicated, the weight to this policy conflict would be moderate.

Highway safety

17. The existing site can be accessed off the A1 and the B668. There is a right of access through the neighbouring PFS to the site which is accessed off a slip road off the northbound A1. During its operational years, the inn had a pub/restaurant area, ancillary facilities such as a bar and kitchen, and hotel accommodation.
18. The proposed commercial units would have up to 88 car parking spaces. At any one time, 35-40 staff would be employed on the site and employees would have limited access to public transport. However, the provision would comfortably exceed highway parking standards for food retail, the nearest similar use within the County's parking standards. A submitted travel plan also sets out how each unit would employ a travel plan coordinator who would survey staff and implement a travel plan for each unit to seek reduced staff vehicles to the site by 10% over a 5 year period. Such a plan could include vehicle-sharing and could be conditioned. Additionally, there would be some cycle storage provision on the site.
19. The Appellant has produced a vehicle parking accumulation flow analysis which indicates a peak parking need between 1200-1300 hours of 75 spaces. This assumes a worst possible case scenario of staff making no use of more sustainable modes of transport and thus provision for 40 staff spaces. Inevitably, there will be some above average sized motor vehicles, such as minibuses, which might take up more than one space. However, even taking into account these worst possible scenarios, site parking provision has been shown to be sufficient. Swept path analysis shows satisfactory tracking of a minibus throughout the layout. A servicing Management Strategy would be drawn up to ensure deliveries of good take place outside of peak times as there are no specific off-loading areas proposed. It will also specify routes to the site via the B668.
20. Local concerns have been expressed about the safety of drivers entering into the site via the PFS, especially with parked vehicles there, and egress from the site using the existing slip road given traffic speeds and the volume of traffic along the A1. However, northbound access could

additionally be achieved via the A1 slip road to the B668 located to the south of the PFS which would enable access to the site from the B668 to the west. Southbound traffic could leave the A1 via the Oakham (B668) southbound slip road, then travel west and south at the two roundabouts underneath the A1, respectively, and similarly access the site from the B668 to the west.

21. There is also an existing use established on the site which would generate a certain amount of traffic. Taking this into account, a Transport Assessment clarifies that additional 38 and 39 vehicle movements during the peak am and pm periods will be generated compared to a full functioning inn facility. The Appellant is also in discussions with both the County Highways and Highways England about signage to the development. There have been no objections from Highways England (HE) to the proposed access/egress from and onto the A1. Given their considered response, significant weight is given to their comments in the absence of any soundly based evidence to the contrary.
22. For all the above reasons, there would not be any unacceptable impact on highway safety nor would the residue cumulative impacts on the road network be severe. Such a conclusion concurs with both statutory consultees, County Highways and HE. Accordingly, the proposal would comply with policy CS18 of the CS and policy SP15 of the DPD (in respect of highway matters).

Other matters

23. There are a number of roadside facilities, including along the A1, at Great Casterton, Scotgate, Peterborough, Colsterworth, Newark, Grantham and Markham Moor. However, many of these sites relate to PFS and some are in distinctly urban contexts. There is also an absence of any plans or documentation to demonstrate that they are comparable in terms of number and type of units, extent of hard surfaced areas between units, context and policy background when they were permitted. In any case, every proposal has to be considered on its particular planning merits.
24. In August 2017, planning permission had been granted for the partial demolition of the inn's extensions/additions, change of use of the inn building and two 2 storey buildings in mixed commercial business use. One of the new buildings would be on the hard surfaced area adjacent to the garage whilst the other would be located to north of the site behind the inn. The floor space at approximately 1639 m² would be greater than that of the appeal proposal. Under this permission, the two new buildings would be two storey, industrial design with cladding, brick and render facework and one of these would be alongside the open northern boundary of the site.
25. There is a greater than theoretical possibility that this permitted development would take place if the appeal proposal was rejected. However, the permitted development would be far less dominating and oppressive due to the presence of more landscaped areas, including the protected apple trees, and the retention of the frontage part of the inn building, with its attractive local vernacular qualities. Consequently, the implementation of the permission would not result in greater harm than the appeal proposal in terms of its effect on the character and appearance of

the area, and the fall back position would have limited weight in favour of the proposal.

26. No detailed scenario has been put to me but this previous permission could be implemented in part. The new buildings and associated parking areas could be built at the expense of the change of use of the inn and the construction of the associated parking areas. Alternatively, one of the new buildings could be built with construction of associated car parking areas as well as the change of use of the inn building and the construction of associated parking areas. Either way, there would be a less developed quality to the site with more landscaped areas, either planned or left as existing, and retention of the frontage part of the inn building.
27. Department for Transport Circular 02/2013 states that the maximum driving distance between services should be 30 minutes but that distance can be shorter. Indeed, Councils are required to consider the merits of spacing of sites beyond conformity with the max and min criteria established for safety reasons. Both County Highways and Highways England are generally supportive. There would be highway safety benefits arising from this proposal in providing refreshments and rest for drivers. However, the planning permission on the site permits refreshment facilities, namely a coffee shop/café, albeit smaller in extent.

Planning Balance

28. There would be harm to the character and appearance of the area in conflict with policy CS19 of the CS, and policies SP15 and SP7 of the DPD. There would be no harm arising from matters of highway safety and thereby no conflict with policy CS18 of the CS and policy SP15 of the DPD in this respect. However, the harm to the character and appearance would be significant and long-standing. Consequently, despite the reduced weight to the DPD SP7 policy conflict, the proposal would conflict with the development plan as a whole.
29. The development would generate up to 160 local jobs, in addition to short term construction jobs. The roadside facility would serve the strategic road network, complimenting the adjacent PFS, avoiding users of the A1 having to travel off the road to find fuel and refreshments as well as seeking rest time. The proposal would regenerate a vacant, brownfield site which would make efficient use of land. Such economic, social and environmental considerations would accord with national policies of the NPPF that require decisions to build a strong competitive economy, promote sustainable transport and make effective use of land. Such benefits would weigh heavily in favour of the proposal.
30. The inn does not merit the status of a designated or non-designated heritage asset. Reduced weight has been given to the proposal's conflict with DPD policy SP7. However, the NPPF still requires development to be sympathetic to local character and history of the site, including the existing built development and landscape setting, which there would be a conflict with, due to the unbroken expanse of built form across the site. Importantly, the development would not establish or maintain a strong sense of place. The arrangement of streets, spaces, building types and

materials would not create an attractive, welcoming and distinctive place to live, work and visit. The NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. For these reasons, such design failings would be determinative for this particular proposal.

Consequently, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.

31. In summary, the harm to the character and appearance of the area would be significant and overriding for all the reasons indicated. Taken together, material considerations would not be of sufficient weight or importance to determine that the decision should be taken otherwise than in accordance with the development plan and therefore planning permission should be refused.

Conclusion

32. For the reasons given above and having regard to all other matters raised, including support, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR