

**Consultation Date:** 7 January 2019

<b>Proposal:</b>	Erection of a Mixed-Use Development comprising petrol filling station and associated retail unit, 2 no. drive throughs, 2 no. offices and 103 bed hotel with associated ancillary facilities, landscaping, flood attenuation lagoon, associated engineering operations (including flood compensation measures) and sustainable drainage system (SuDS) along with associated vehicular and cycle parking and access from Fosse Way and all ancillary works
<b>Site Address:</b>	Land Opposite 44 To 26 Fosse Road Farndon Nottinghamshire
<b>Planning Application Ref:</b>	18/02362/FULM
<b>Target Date for Decision:</b>	25 March 2019
<b>Case Officer:</b>	Jo Brown

You are invited to make comment on the above planning application. Please indicate below whether you support or object to the proposal. Your comments need to be with us by **28 January 2019**.

Details of the case officer will be confirmed on our website within 48 hours.

Application details, including plans, site boundary (using 'Map' facility) and supporting information are available to view on our website at [www.newark-sherwooddc.gov.uk/planningapplications](http://www.newark-sherwooddc.gov.uk/planningapplications). If this consultation relates to the renewal of an extant planning permission, please refer to documents associated with the previous application also available online (the previous planning application number is mentioned in the proposal).

Your comments can be submitted either online using the above website (if you are a registered user), by email to [planning@nsdc.info](mailto:planning@nsdc.info) or by post to the above address.

Please be aware, all information including signatures and contact details you provide will be publicly available.

In the event of an appeal against a refusal of planning permission, if the application refers to a 'householder application', any representations made this application will be sent to the Secretary of State, and there will be no further opportunity to comment at appeal stage.

A copy of the decision notice and officer/committee report will be available on our website after the application has been decided.

**Data protection and privacy:**

We are committed to protecting your personal data and privacy. The personal information you provide will only be used by the Council, in accordance with General Data Protection Regulation (GDPR) 2016 and used for the purposes of determining the application.

Please see our website for further information regarding our privacy notice.

Support Proposal ☐ Object to Proposal ☐

Comments:

## **Planning Policy Context**

### **National Planning Policy**

Maintains the plan-led system, with the statutory status of the development plan remaining as the starting point for decision making. Proposed development which accords with an up-to-date Local Plan should be approved and proposed development which conflicts should be refused, unless material considerations indicate otherwise. The presumption in favour of sustainable development, means approving development proposals which accord with an up-to-date Plan without delay. Planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

Emphasises the need for decisions to help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Also recognising and addressing the specific locational requirements of different sectors.

A sequential approach to development and flood risk should be followed, with the objective of steering new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, then the Exception Test can be applied if appropriate.

Continues the sequential approach to the local of Main Town Centre Uses, only if suitable in-centre and then edge-of-centre sites are not available (or expected to become available within a reasonable period) should out-of-centre sites be considered – and then preference should be given to accessible sites which are well connected to the Town Centre. Flexibility should be demonstrated on issues such as format and scale, so that opportunities to utilise sequentially preferable sites can be fully explored. Where an application fails the sequential test it should be refused.

### **Development Plan**

#### **Adopted Core Strategy DPD (March 2011)**

Spatial Policy 1 'Settlement Hierarchy'  
Spatial Policy 2 'Spatial Distribution of Growth'  
Spatial Policy 7 'Sustainable Transport'  
Core Policy 6 'Shaping our Employment Profile'  
Core Policy 7 'Tourism Development'  
Core Policy 8 'Retail Hierarchy'  
Core Policy 9 'Sustainable Development'  
Core Policy 13 'Landscape Character'  
NAP1 'Newark Urban Area'

#### **Amended Core Strategy DPD**

The main modifications to the Amended Core Strategy were placed on deposit for public consultation on the 8th August. These are the changes which are felt necessary to make the Plan 'sound', and have occurred either as a result of representations made on the draft Amended Core Strategy or from the discussion at the hearings in early February. The Inspector is now considering the responses received and working towards the issuing of his report. Emerging policy can be afforded weight, subject to the tests outlined at para 48 of the revised NPPF.

#### **Allocations & Development Management DPD (July 2013)**

NUA/OB/1 'Newark Urban Area - Open Breaks'  
Policy DM5 'Design'  
Policy DM8 'Development in the Open Countryside'

Policy DM11 'Retail and Town Centre Uses'  
Policy DM12 'Presumption in Favour of Sustainable Development'

### Assessment

I've limited my comments to what I consider to be the main strategic issues.

#### Principle of Development

The application site is located within an Open Break and so the ability to satisfy the requirements of this designation will determine whether the development is acceptable in principle or not.

#### Farndon Open Break

The purpose of the Open Break designation is to ensure that existing settlements retain their separate identities and characteristics. They are formed by predominantly open land and occupy key strategic locations where there is an acute pressure for development (as reflected in this proposal). There are currently 3 such designations – at Farndon, Winthorpe and Coddington and as outlined through policy NUA/OB/1 permission will not normally be granted for built development within them. The use of 'not normally' necessarily carries with it a high threshold, which proposals will need to be able to pass. Where this proves to be the case then they should by definition represent exceptional circumstances - where the benefit, or benefits, from granting consent demonstrably outweigh the in-principle policy objection.

Having read the applicants planning statement I think it would be helpful to provide some context around the designation. It is longstanding in nature and has been present, in some form or other, within each successive Statutory Development Plan covering the Newark Area – from the Newark Town Map (amendment to the County Development Plan) in 1964 onwards. The aim of the open break is not simply to sterilise large tracts of otherwise developable land. Rather it forms part of a strategic policy intervention, shaping and controlling growth within and around the Newark Urban Area. This approach has made a significant contribution towards defining the structure and form of the Newark Urban Area, and has assisted in maintaining the distinctiveness of different areas, protecting the character of smaller settlements. The designations have been, and remain, integral to the promotion of a sustainable pattern of growth in the Newark Urban Area.

Importantly the extent of the current designations, and associated policy wording, was subject to examination as part of the Allocations & Development Management DPD in December 2012. The Plan, in its modified form, was found sound and so by implication the Inspector was satisfied with the approach. Whilst the previous Open Break at the Balderton Hospital was deleted this was a strategic decision, taken in order to support the meeting of the District's housing requirements. In this respect it should be noted that the Open Break at Fernwood was a more recent designation than those at Farndon, Winthorpe and Coddington, having been introduced in 1999 in response to the original Balderton Hospital redevelopment. It should not be forgotten that in finding the Core Strategy and Allocations & Development Management DPDs sound both documents met the 'justified' test of soundness, applicable at the time of their examination. Consequently the approach toward the Open Breaks represented the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence. It is therefore important that any decisions which affect the integrity of the designation, or its continued relevance, are made in a coherent and strategic manner – and in my view the Development Plan process represents a more appropriate means of doing so rather than via individual planning applications.

This type of policy designation is routinely found in Development Plans nationwide – and has been consistently upheld at appeal. In this respect I would point to a relevant appeal decision at Spondon, Derby (Ref: APP/C1055/W/15/3132386) which concerned a 'green wedge', a designation which seeks to maintain the open and undeveloped character of a key location within and around the urban area. Even within the context provided by that Authority's inability to demonstrate a five year land supply the Inspector still deemed this consideration insufficient to outweigh the significant and irreparable undermining of a long standing designation.

The granting of consent would compromise the integrity of the Farndon designation – risking its comprehensive undermining in the future, and also set a precedent for the two remaining Open Breaks at Winthorpe and Coddington. Consequently there will need to be sufficiently compelling grounds to justify a departure from the policy of restraint.

### Availability of Alternative Land

The likely availability of land elsewhere which is situated beyond the Open Break and able to accommodate the proposal will contribute towards determining whether those grounds exist. There is also an overlap here with the need to apply the sequential test from a main town centre use perspective. Whether there is any scope for disaggregation and having reasonable regard to the locational requirements of the proposal will be key considerations.

Whilst consisting of a mixture of uses, I'm not convinced that in this case the proposed format is necessary or fundamental to the proposal – i.e. that the overall mixture of uses is so inter-dependent that they could only come forward in the form and location being applied for. It is not uncommon to see these uses elsewhere independent of one another, or in different combinations. Indeed the proposed design and layout has effectively split the scheme into three constituent parts (outlined below).

- The petrol filling station, associated retail unit and two drive-throughs;
- The two office units; and
- The hotel.

### Sequential Assessment

I note that a sequential assessment has been provided by the applicant, and this is welcomed. Though as a starting point it needs to be clarified that the application site occupies an 'out-of-town' location (as per Annex 2 of the NPPF). Whilst this is a sub-category of the wider 'out-of-centre' definition there are implications for how the test should be applied, specifically the need to give preference to edge- and out-of-centre sites which are well connected to the town centre. This opens up the potential for other out-of-town sites meeting that test to be deemed sequentially preferable to the application site.

National policy requires applicants and the Local Planning Authority to demonstrate flexibility on issues such as format and scale. The recovered appeal decision (Planning Inspectorate ref: APP/A1530/W/16/3147039, Secretary of State's ref: 150239) at Tollgate Village, Stanway, Essex provides a clear steer on how this ought to relate to the matter of disaggregation. Here it was concluded that the extent of flexibility should not be constrained by policy or guidance, and that there is nothing in the Planning Practice Guidance which suggests that sub division should not be considered. Ultimately it may well be that in some circumstances disaggregation proves to be inappropriate – however this ought to be the result of objective consideration. As already stated I consider there to be scope to consider the proposal on a disaggregated basis, with a split based around its constituent parts, and different combinations thereof, representing a reasonable basis for doing so.

The applicant's sequential assessment has ruled out any form of disaggregation, and suggests that the minimum scale of site suitable for the proposal would be 1.7ha or one capable of providing a minimum of 5,500 sqm floorspace (i.e. a site area reduction of 25%). Consequently I do not consider that sufficient flexibility has been shown. Consideration should be given to whether there are sequentially preferable sites capable of accommodating elements of the proposal. I would also advise that the assessment should consider sites where development would be in line with the Development Plan, regardless of their sequential location. This would include site allocations for instance.

Whilst I would concur that it is reasonable to have regard to locational requirements of the proposed uses –those identified (being highly accessible and well related to the strategic road network) are primarily related to the petrol filling station (and associated uses). Whilst no definition over what this constitutes is provided I'm not convinced that they hold for the hotel. 'Holiday Inn Express' has been confirmed as the intended operator, and their Lincoln City Centre, Leicester City or Tamworth hotels wouldn't meet the suggested requirements. This indicates that there may be other site characteristics which the operator will take into account in selecting a site, and a central location may be one of them.

I note that in some circumstances the presence of planning policy constraints (e.g. the site being allocated for an alternative use) has contributed towards the discounting of a site. However this is very much a relative concept and must acknowledge the significant policy constraint which the application site is itself subject to, in the form of the Open Break. In my view the pragmatic release of land currently allocated for an alternative employment

generating use (e.g. B1 use) would be preferable to the loss of land from the Open Break. Particularly when considered in the context of paragraph 120 of the NPPF, and the need to reflect changes in the demand for land. In terms of the 'other sites' considered in the applicants assessment, I would accept the discounting of the NSK site allocation – particularly given its anticipated timeline for delivery. But do not agree with how Land at Northgate or the former Highways Depot have been considered. Whilst Land at Northgate is subject to extant retail consent (13/00997/OUTM) the applicant is currently seeking an amendment to Condition 25 of their consent, in order to accommodate a Marks & Spencer Food Hall. The land also continues to have extant consent for residential development. This indicates a willingness on the part of the site owner to consider alternative uses for the land, and so consideration should be given as to whether inclusion of a hotel could feasibly form part of a revised mix.

Perhaps of greater concern is the discounting of the former Highways Depot on Great North Road, which at 1.98a exceeds the 1.7ha threshold identified by the applicant. The site is allocated for employment use- and so the office element of the proposal would be consistent. With respect to the other elements of the scheme the adoption of a pragmatic approach towards its development may prove appropriate, in-line with the approach towards non B1/B2/B8 uses detailed in the site allocation policy. As outlined earlier I would view this marginal policy constraint as less significant than that represented by the Open Break designation.

It is not clear how the applicant has drawn the conclusion that part of the site will be required to facilitate junction improvements as part of the Newark by-pass. No proposed line for the improvement exists and there are clearly numerous different scenarios which could be pursued. It is not clear how much and where surrounding land will necessary to facilitate the improvements, this will be largely dependent on the type of junction pursued. In any event it is only the northernmost tip of the site which is in close proximity to the existing roundabout, and even this does not directly abut either the highway or junction. I'm also not convinced over the applicant's conclusion that the site's locational characteristics, access and visibility are such that they render it unsuitable for the proposed development. It should not be forgotten that the site met the requirements of Sainsbury's, with the refused scheme also including a petrol filling station.

Whilst located in an out-of-centre location the former Depot possesses superior connections to Newark Town Centre. Greater benefit to the vitality and viability of the Centre would result by virtue of this proximity, which is after all the objective which underpins the sequential test. The site has been recently acquired and it is assumed that there would be a natural interest in bringing the site forward for development. Accordingly I don't consider that the site has been discounted on an objective basis, and as such it represents a sequentially preferable and available alternative to the application site.

There are also a number of sites which the assessment has overlooked. This includes the Newark Showground Allocation (NUA/MU/1), where the range of uses identified includes a hotel. Indeed I note that the Peterborough Holiday Inn Express is located adjacent to the East of England Showground, and so Newark Showground may also prove attractive to that operator. Whilst the allocation sits within the wider Newark Showground Policy Area (NUA/SPA/1), and so would require access constraints relating to the A1/A46/A17 junction to be overcome this requires a proper level of investigation. The Wirtgen development (16/01796/FULM) has had the effect of opening the site up, and notably the taking of its access from the A17 was deemed acceptable in highways terms. In addition there is also NUA/MU/2 at the Brownhills Motor Homes site which is allocated for, amongst other uses, roadside services and a hotel. Again no consideration has been given to this site.

Finally there are numerous employment allocations around the Newark Urban Area which would appear suitable for the office use- none of which aside from NUA/E/4 have been considered. In respect of the roadside services I would accept that there are specific locational requirements and that there would be little benefit, in line with the Baynards Green appeal, in applying the sequential test to this element of the scheme (were it to be considered on a disaggregated basis). Nevertheless this does not mean that there should be no consideration given as to whether there is land available beyond the Open Break able to accommodate the proposal. Indeed I have pointed to a number of possible sites as part of my comments above. In addition Policy DM8 provides the basis for considering such uses in the open countryside and as such would facilitate this element of the scheme, were the applicant able to present justification.

Taking the above into account I have severe reservations over the sequential exercise undertaken, and deem it insufficient to demonstrate the sequential test as passed. Moreover I'm of the firm view that there is potentially

available land beyond the Open Break which is suitable and able to accommodate the proposal, particularly when disaggregated.

### Tourism Development

Notwithstanding the issues around the Open Break and sequential test, the hotel use would fall to be considered against Core Policy 7. Applying paragraph 48 of the NPPF I'm of the view that the version of CP7 emerging through the Amended Core Strategy is now capable of having meaningful weight applied to it. The policy recognises the economic benefits of sustainable tourism and visitor based development (including tourist accommodation), with proposals that help realise the tourism potential of the District, support the meeting of identified tourism needs, complement and enhance existing attractions or that address shortfalls in existing provision being viewed positively. It then sets out specific requirements relating to different geographic locations. None of which would cover an Open Break, as built development is not anticipated.

Newark is recognised as a tourism destination and development which complements or enhances this, or that addresses shortfalls in provision would be beneficial and consistent with the broad aims of CP7. The Destination Management Plan for Newark (March 2018) identifies the lack of a hotel offer suitable to support overnight coach trips as a key weakness. Addressing the shortage of accommodation/bed stock is also given as a long-term action. This requires the active seeking of appropriate hotel brands to invest in the Town, with the intention of increasing overnight stays and improving visitor spend. In this respect the redevelopment of the Robin Hood hotel (18/01020/FULM) –incorporating a Travelodge- which is now subject to a resolution to grant consent subject to completion of the Section 106 agreement will go some way towards meeting identified tourism needs.

To be suitable for the coach tour market and meet operator requirements any accommodation would need to fall within the four star category of quality. Holiday Inn Express is the chain attached to the proposal, and their offer appears to be three star. Furthermore I'm led to believe that the chain predominantly caters for the business market – a fact presumably reflected in the choice of location and design (incorporation of meeting rooms etc.). Consequently the proposed hotel would not fit neatly with the most significant gap in provision.

Notwithstanding the above the development and subsequent operation of the proposed hotel would yield economic gains and support job creation. However in my view the full extent of such gains would be constrained by the proposal largely catering towards the business market. The development has the potential to operate as a largely self-contained destination for meetings/functions, or to act purely as a stopover on journeys elsewhere. Whilst there would be a physical connection between the application site and Newark, via an underpass, the distance from the Town Centre is likely to act as a barrier to journeys being made by foot, meaning there would be a reliance on private motor vehicles or taxis. When taken alongside the nature of the predominant clientele the effect may be that guests will be discouraged from making linked trips, limiting the ongoing economic benefit to the Town. These are of course relevant considerations in coming to a view over whether there are benefits which demonstrably outweigh the in-principle policy objection around the Open Break.

### Office Use

As defined through the Spatial Strategy, the Newark Urban Area has the function of acting as the focus for employment growth in the District. Core Policy 6 sets out the approach the Council will follow in seeking to shape its employment profile, and in my view the policy emerging through the Amended Core Strategy can now be afforded weight. CP6 seeks to maintain and enhance the employment base of our towns and settlements and rural economies, and underlines that most growth, including employment development, will be provided at the Sub-Regional Centre of Newark with a lesser scale directed to Service Centres and Principal Villages.

The application site is located beyond the Newark Urban Area, but given its scale I'm comfortable that the proposal wouldn't move the balance of provision away from a focus on the Sub-Regional Centre. Indeed it sits within the wider Newark Area, which has its own employment land requirement of 51.9ha across the period 2013-2033. The table below sets out the most up-to-date employment land supply picture.

	Newark Area	District-wide
<b>Employment Land Commitments (31<sup>st</sup> March 2018)</b>	56.41 ha	63.35 ha
<b>Employment Land Completions (1<sup>st</sup> April 2013 – 31<sup>st</sup> March 2018)</b>	10.68 ha	24 ha
<b>Remaining Employment Land Allocations (yet to be developed or subject to extant outline consent – 31<sup>st</sup> March 2018)</b>	34.72 ha	63.28 ha
<b>Totals</b>	<b>101.81 ha</b>	<b>150.63 ha</b>
<b>Requirement</b>	<b>51.9 ha</b>	<b>83.1 ha</b>

While the overall requirements do not represent an upper limit on development the supply of employment land significantly outstrips them. There is a considerable amount of land which is either committed or allocated and yet to be brought forward through the planning system, able to meet the needs generated by the expansion, relocation or creation of new businesses. This ranges from large scale provision as part of the strategic sites, medium sized sites such as the former Highways Depot and smaller plots within existing industrial estates. The Authority has gone to significant lengths to ensure sufficient provision of suitable, deliverable land has been made in sustainable locations. This in line with CP6 will enable employment levels to be maintained and increased, by meeting the needs of traditional and emerging business sectors and types. The take-up of this land ought to be prioritised over development in inherently less suitable locations, and I would expect robust justification to be provided as to why that cannot occur.

The applicant has identified economic benefits to the proposal, including job creation, and I would not seek to dispute these (although you may wish to seek professional advice for their scrutiny). This analysis has also pointed to an apparent lack of office development in the District over the past 5 years, which is factually incorrect - various B1 completions have been recorded over this time period. Whilst it would be fair to describe the overall levels of take-up as low I would expect this to reflect a general hesitance around investment in the wider economic climate, rather than any fundamental issue with the scale and type of employment land provided through the Plan. The Assessment has also made reference to a need to improve the quality of the stock of employment floorspace throughout the District, and in response I would refer back to the scale of committed development and employment land provided through the Plan.

Accordingly as it stands whilst there would be undoubted economic benefits associated with the proposal I'm not content that the application has adequately demonstrated why those benefits would not be able to be realised through development taking place elsewhere. I remain unconvinced that there is a necessity for development to take place within an Open Break ahead of committed and allocated employment land in more suitable locations.

#### Roadside Services

Policy DM8 provides the basis for considering roadside service proposals, although this concerns locations in the Open Countryside and so would not apply within an Open Break – where the policy approach is more restrictive. Nevertheless as a matter of principle I would take the ability to demonstrate the need for the particular location and to avoid adverse landscape impact to be reasonable considerations.

Having reviewed the application I'm unsure as to where any real justification around need has been provided, although I may be mistaken. The Economic and Market Benefits Statement makes reference to an absence of 'direct access' fuel retailers between Newark and Leicester. I'm unsure what this constitutes and so clarification could be sought. The presence of other fuel retailers nearby is mentioned, which is correct and underlines why further justification over the necessity of this location is required. Without this justification it is not possible to properly weigh the benefits of this aspect of the scheme. Whilst not located within one site there are a range of roadside services around the 'Brownhills' (A1/A46) roundabout – including a drive-thru McDonalds, Beefeater and Premier Inn hotel. Whilst on the stretch of the A46 between the A1/A46/A17 and A46/A1133 roundabouts there is an Esso garage, eastbound and the Shell garage (incorporating Waitrose) at the Friendly Farmer westbound. In terms of the Farndon roundabout there is the Spar petrol filling station and supermarket

(incorporating a Subway) a short distance into Newark from the A46 Farndon roundabout. Further westwards there is a Shell garage (including Waitrose) and shop at Saxondale on the A46. In terms of North –South movements on the A1 the ‘Muskham Services’ hosts a BP garage, and there is an Esso garage at Foston – northbound near Grantham

In terms of the associated retail unit– Core Policy 8 within the Amended Core Strategy contains impact thresholds, which have been afforded significant weight at appeal. This would require proposals exceeding 350 sqm (gross) beyond the Newark Urban Area to undertake an impact assessment proportionate to the scale and type of retail floorspace proposed. At 446 sqm (gross) the proposed retail unit falls exceeds this. Nevertheless I would recognise its role as being largely ancillary to the petrol filling station, and as such fulfilling a particular function which is unlikely to represent a destination in itself. Consequently in the interests of being proportionate I would not expect the applicant to be required to submit an impact assessment. Were you minded to recommend approval this retail floorspace would however need to be tightly controlled.

Whilst I would accept that the extent of roadside services proposed would in all likelihood exceed that on offer at the locations mentioned above – the key question is whether this really represents a deficit in provision, and if so whether this is sufficient contribute towards the issue around the Open Break being overcome. Whilst I would welcome more information from the applicant, I am sceptical whether this is likely to be the case. Particularly given the possible availability of land elsewhere able to accommodate this element of the scheme, and when considered within the context provided by Policy DM8. I would defer to the expertise of colleagues on landscape considerations.

#### Flood Risk

According to the Environment Agency mapping the site is entirely located within Flood Zones 2 and 3, and in the interests of addressing the sequential approach the applicant has submitted a Sequential Assessment. The first observation I would make is that a different site area threshold has been drawn on to that used in the Sequential Assessment for Town Centre Uses, and I would query why this is the case. Furthermore as already outlined I believe there to be plenty of scope for the scheme to be considered on a disaggregated basis, considering the constituent parts and different combinations thereof. I would therefore expect the flood risk sequential exercise to also be conducted on the same basis.

Whilst it is right to have reasonable regard to the locational requirements of the proposed uses, I would not accept that those listed need to apply to all the constituent parts of the proposal. I would also query why the flood risk sequential assessment limits the catchment area to ‘the immediate locality of Newark’ when the primary catchment area defined through the Sequential Assessment for Town Centre Uses took this to be the administrative boundary of Newark & Sherwood. This requires clarification on the part of the applicant.

Turning to the sites assessed by the applicant – interestingly location within an Open Break designation appears to contribute towards the discounting of Site 4 ‘Land South of A1133’, which raises obvious questions over the application site. Notwithstanding this the remainder of my comments are focussed on the discounted sites I have greatest concern over.

The former Highways Depot on Great North Road appears to have been discounted in part due to reasons of land ownership. I would emphasise that were such considerations taken to represent sufficient reason to determine the outcome of the sequential test then there would be little point in undertaking the exercise. It is meant to represent an objective assessment over whether there is reasonably available land at lesser flood risk. The remaining reasons for its discounting are the same as those given from a Main Town Centre use perspective – and as stated earlier I find them unconvincing. As a site capable of accommodating the proposal in its entirety and being at lesser flood risk (with considerably less of the site falling within Flood Zone 3) I would consider it a sequentially preferable alternative.

Site 5 ‘Land North of A17’, or the Newark Showground site allocation (NUA/MU/1), is discounted for being too large – in my view however this does not reflect robust judgement. Consideration should be given to the possibility of development coming forward on part of the site. Given that the site is allocated for a number of the uses being sought and is at lesser flood risk it needs to be given serious consideration. There is also the matter of the scope for disaggregation which may address the concerns around existing petrol station provision in the



area. The concerns over congestion require proper investigation – in line with my earlier comments on this site, and would not appear that different to the issues around the A46 Farndon Roundabout at peak times.

Site 6 'Land South of A17' which concerns land to the north of the Mastercare facility. The land is subject to extant outline consent for employment development but Reserved Matters don't appear to have been approved on this portion of the site. I do not consider that the planning status necessarily represents a constraint on availability given the period of time which has lapsed from the granting of consent. It may be the case that the site owner would be amenable towards an alternative mix of uses, and part of the application proposal concerns an employment use in any case. I would refer back to my previous views over site area and the presence of other petrol filling stations in close proximity.

As it stands I do not consider that the applicant has adequately demonstrated there to be no reasonably available land at lesser flood risk capable of accommodating the proposal either together or in a disaggregated form.

There is also the matter of the Exceptions Test- on which I would defer to technical consultees for guidance. But the holding objection from the Environment Agency is noted.

#### Highways

The proposal will need to be able to be considered acceptable in highways terms and I do have some concerns here given its location in close proximity to the A46 Farndon Roundabout. In this respect I note the holding objection from the Highways Authority.

#### Conclusion

Considered through the lens of the presumption in favour of sustainable development the scheme would achieve economic and social aims – notably through the support provided to economic growth and job creation. Although I'm not convinced those economic gains would be as significant as first appears given the format of the hotel. Nevertheless there would be a serious undermining of the environmental objective as a result of development occurring within the Open Break, and the proposal has been unable to demonstrate its acceptability in sequential Main Town Centre or flood risk terms.

The applicant has fallen short of being able to demonstrate a sufficiently compelling level of benefit to meet the threshold necessary to support development within an Open Break. Furthermore were consent to be granted then there is the strong possibility that the proposal would prejudice the designation at Farndon and set a precedent for those at Winthorpe and Coddington. I'm of the firm view that there exists land beyond the Open Break designation which is capable of accommodating the development (whether considered in its entirety or in a disaggregated form), and that the benefits from the proposal could be realised elsewhere in more suitable locations. Ultimately the harmful effects associated with the proposal must, in my view, render it unsustainable and so I am unable to provide support for its positive determination.

Signature: Matthew Tubb

Date: 20<sup>th</sup> February 2019

Designation: Senior Planner (Policy)