

PLANNING COMMITTEE – 3rd NOVEMBER 2020

Application No:	20/01177/FULM
Proposal:	Proposed single petrol filling station forecourt building with associated drive thru, drive thru kiosk, 6no car pump islands, canopy, HGV fueling, dedicated parking and landscaping.
Location:	Field At Great North Road, Fernwood
Applicant:	Alliance GW Ltd And Mr.Gregory & Mrs O Reilly
Agent:	Rapleys LLP - Mr Michael Birch
Registered:	02.07.2020 Target Date: 01.10.2020
	Extension of Time Agreed Until 06.11.2020
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QCSSO8LB13M00

This application was discussed at the meeting on October 6th with Members resolving to defer the application to allow an assessment of highway safety impacts – particularly safety of pedestrians who might access the site or travel within the site. The report below has been updated with bold text to detail the discussions and submitted documents received since the October meeting. The agent has submitted a response dealing with all Member comments made at the October 6th Meeting.

This application is being referred to the Planning Committee for determination by the local ward member (Cllr Mison) due to the possible traffic impacts in general and in the context of the new Suthers School. In any case, the application would be brought before Members at the discretion of the Business Manager under the Scheme of Delegation due to the strategic nature of the application and the local concern which is contrary to the support of the Parish Council.

The Site

The site, circa 1.9ha, is an undeveloped semi-circle of land located to the south of Balderton and to the west of Fernwood. The site is located to the west of the A1 with the B6326 curving round its western boundary, and as such the site is entirely enclosed by main roads. Equally within and adjacent to the site's boundary are a collection of hedgerows.

There is an oil pipeline and a Severn Trent Water pipeline crossing the site. The Lowfield Drain, a riparian watercourse, traverses the site. The site is located entirely within Flood Zone 1 according to the Environment Agency maps albeit land to the west is within Flood Zone 3.

Access is from the B6323, immediately south of the roundabout which services the northbound side of the A1. Furthermore, the planned Newark Southern Link road junction linking the A46 (Farndon) with the A1 (Fernwood) will be located to the west of the proposed development site.

The site forms part of the Land South of Newark allocation (NAP 2A) as defined by the Proposals Map.

Whilst the site is entirely surrounded by the road network, there are residential curtilages in nearby proximity, the closest being the rear gardens of Bilton Close to the north west around 30m away from the site boundary.

Relevant Planning History

20/SCR/00001 - Screening Opinion for proposed development of roadside services area.

Decision issued by letter dated 19th February 2020 confirming that an Environmental Impact Assessment was not required.

In addition to the above screening decision, pre-application advice has been sought.

The Proposal

The proposal seeks planning permission for a Roadside Service Area (RSA). Components of the development include a petrol filling station (PFS) forecourt building with an approximate footprint of 969m² at the northern boundary of the site. The building would include a drive thru facility at the eastern side of the building. To the west of the forecourt, fronting the building, is 6 no. pump islands housed under a canopy.

The building design features render of light and dark grey as well as elements of timber cladding and large expanses of glazing. The building would be approximately 34m by 30m with a maximum pitch height of approximately 8.5m.

In the NW area of the site there would be a standalone drive thru kiosk with an approximate footprint of 145m² with an associated car parking area. This building would also feature dark grey render and timber cladding with a monopitch roof to a maximum height of approximately 6m.

Separate HGV fueling is located towards the SW boundary of the site with an associated canopy over the pumps. The site would provide a total of 99 car parking spaces (24 of which are electric charge points and 5 allocated for staff). 10 spaces are provided for motorcycles. There would also be provision for 2 caravan parking spaces; 42 HGV parking spaces; one abnormal load bay and 2 coach spaces.

The site plan has been updated to incorporate specific recommendations of the pedestrian safety audit, namely pedestrian demarcation zones and HGV spaces with dropped kerbs as discussed further below.

The application has been considered on the basis of the following plans and supporting documents:

- OGL Survey – GWBALDERTON061216 – AS2220/01 Rev. B dated 10 Dec 2016;
- Existing Layout – 160862-PLNG1;
- Existing Elevations – 160862-PLNG2;
- Proposed Layout – 160862-PLNG3S **Dated 16.10.2020**;
- Proposed Layout 200 Scale Sheet 1 – 160862-PLNG4P;

- Proposed Layout 200 Scale Sheet 2 – 160862-PLNG5P;
- Proposed Layout 200 Scale Sheet 3 – 160862-PLNG6M;
- Proposed Layout 200 Scale Sheet 4 – 160862-PLNG7J;
- Proposed Site Sections – 160862-PLNG8F;
- Proposed CLH Sections – 160862-PLNG9C;
- Proposed Service Road Sections – 160862-PLNG11A;
- Proposed Petrol Filling Station Building Layout– 160862-PLNG12C;
- Proposed Petrol Filling Station Roof Plan– 160862- PLNG13A;
- Proposed Petrol Filling Station Building Elevations– 160862- PLNG14A;
- Drive Thru' Coffee Shop Elevations, Internal Layout & Roof Plan – 160862-PLNG15B;
- Site Elevations– 160862-PLNG16A;
- Ancillary Details. – 160862-PLNG17B;
- Bin / Delivery Compound Detail – 160862-PLNG18;
- Typical Sub Station Detail – 160862-PLNG19;
- Computer Generated Images 1-3;
- Copy of Pre-application Letter dated 07.03.19;
 - Copy of highways england letter dated 22nd February 2019;
- Copy of Screening Opinion dated 19.02.20;
- Planning Statement by Rapleys dated 30 June 2020 Ref: MJB/17-00186;
- Design and Access Statement by Alliance GW Ltd. dated June 2020;
- Report Relating to an Assessment of Need & Related Matters by Tim Hancock dated June 2020;
- Lighting Specification and Assessment for Proposed Lighting Scheme by GW Lighting Consultancy dated 19/06/20;
 - Proposed Lighting Layout – DM109 Sheets 1 and 2;
 - Site Boundary Lux Levels;
 - Phillips BCP155 Coreline Bollard Product Specification;
 - Phillips Mini 300 LED Gen 2 Product Specification;
 - Phillips BBP400 Gen2 Range Product Specification;
 - Phillips BVP Floodlight Range Product Specification;
- Noise Assessment by SLR Ref: 424.07867.00002 Version No. 6 dated June 2020;
- Transport Assessment by SLR Ref: 424.07867.00002 Version No. Final dated June 2020 and associated appendices;
- Flood Risk and Assessment and Drainage Appraisal by SLR Ref: 424.07867.00002(00002) Version No. 2 dated June 2020;
 - Proposed New Drainage Channel Route – DWG No. 1.1;
 - Sections 1-1', 2-2' AND 3-3' – DWG No. 2.1;
 - Pipe Cross Section and Example of Scour Protection – DWG No. 2.2;
 - Method Statement relating to the Diversion of Lowfield Drain;
 - Balderton Services, Newark Technical Memo: HEC RAS Model dated June 2020;
- Extended Phase 1 Habitat Survey by CBE Consulting – P2046 / 0620 – 01 V2 dated 04 June 2020;
 - Letter from CBE Consulting Ref: P1849 /L2 – 251119 dated 25 November 2019;
 - Letter from Nottingham City Council dated 9th May 2019;
- Fernwood Business Park Overnight HGV Parking Survey prepared by Alliance GW Ltd dated December 2019;
- Fuel Storage Feasibility Assessment by EPS Strategies – UK19.4466b dated 16th June 2020 Issue 3;
- Phase 1 & II Geo-Environmental Assessment by EPS Strategies UK19.4466 dated 16th June

- 2020 Issue 3;
- Landscape and Visual Appraisal by Influence – 19/06/20 INF-N0601_R01;
 - Planting Plan – N0601 (96)001 Rev No. B;
 - Planting Schedule & Specification – N0601 (96)002 Rev. No B;
 - Waste Management Plan dated June 2020;
 - Report on Electric Vehicle Charging Provision dated June 2020;
 - Air Quality Assessment by deltasimons – 20-1381.01 dated August 2020;
 - Response to Consultation Feedback by Rapleys dated 9th September 2020;
 - Archaeological Evaluation dated September 2020 APS Report No: 59/20;
 - EHO Comments Response Issued 24th September 2020;
 - **Letter from eps dated 16th October 2020 re: gas monitoring;**
 - **Proposed Roadside Services – Pedestrian Safety Assessment dated October 2020 Ref: 20-1081-SA by Midlands Road Safety Ltd;**
 - **Response to Application Deferral of 6th October 2020 dated 16th October 2020 by SLR;**
 - **Response to Planning Committee Member Comments.**

Departure/Public Advertisement Procedure

Occupiers of 17 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Fernwood Neighbourhood Plan

NP1: Design Principles for New Development
 NP5: Green Spaces, Landscaping and Biodiversity
 NP7: Supporting Better Movement and Connections
 NP8: Enhancing the Provision of Community Facilities

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy
 Spatial Policy 2 - Spatial Distribution of Growth
 Spatial Policy 3 – Rural Areas
 Spatial Policy 5 – Delivering the Strategy
 Spatial Policy 6 – Infrastructure for Growth
 Spatial Policy 7 - Sustainable Transport
 Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
 Core Policy 6 – Shaping our Employment Profile
 Core Policy 8 – Retail & Town Centres
 Core Policy 9 -Sustainable Design
 Core Policy 10 – Climate Change
 Core Policy 11 – Rural Accessibility
 Core Policy 12 – Biodiversity and Green Infrastructure
 Core Policy 13 – Landscape Character
 NAP2A – Land South of Newark
 NAP4 – Newark Southern Link Road

Allocations & Development Management DPD

DM3 – Developer Contributions and Planning Obligations
DM4 – Renewable and Low Carbon Energy Generation
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM10 – Pollution and Hazardous Substances
DM11 – Retail and Town Centre Uses
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance (online resource)
- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
- Government’s Ministerial Statement dated 18th May 2018 – Road Haulage

Consultations

Fernwood Parish Council – Support the proposal (5 support, 1 object, 1 abstain) but also raise concerns regarding the road infrastructure around Fernwood and requesting signage for the village on the A1 be included in the work to deliver this project.

Balderton Parish Council – Support proposal but do reference a preference for it to be sited on the Business Park and raise concerns regarding the access on the bend.

Nottinghamshire County Council Highways – No objections subject to conditions and legal agreement to ensure costs of required changes to SLR roundabout are attributed to the developer.

Highways England – No objections subject to condition.

Nottinghamshire County Council Flood – No objections subject to condition.

Severn Trent Water – No comments received.

Trent Valley IDB – There are no Board maintained watercourses in close proximity to the site, however, the Environment Agency Lowfield Drain is in close proximity.

Health and Safety Executive –HSE does not need to be consulted on any developments on this site.

Fisher German – No objections subject to a condition removing permitted development rights.

NSDC Archaeology – No further archaeological work is necessary for this site and there would be no objection on archaeological grounds to the proposed development.

Tree Officer – Amended planting plan and schedule are now acceptable.

NSDC Environmental Health (contaminated land) – No objection subject to condition. **Further discussion on wording of condition since October meeting.**

NSDC Environmental Health (air quality) - No objection subject to condition.

NSDC Environmental Health (noise and lighting) – Original comments sought additional information which has been provided during the life of the application with latest comments confirming no objection subject to condition.

NSDC Environmental Services – Informal discussions agreeing Waste Management Plan is adequate.

Environment Agency - No objection subject to condition.

Nottinghamshire County Council Planning Policy – No comments received.

Nottinghamshire County Council Ecology – No comments received.

Natural England - Natural England has no comments to make on this application.

Nottinghamshire Wildlife Trust – No detailed comments to the specific application.

Representations have been received from 37 local residents/interested parties which can be summarised as follows:

Fernwood Suthers School – Object on the basis of the following summarized reasons:

- The location of the filling station off the B6326 will result in a significant increase in car and HGV traffic at a number of crossing points that will be used daily by Suthers School students.
- The B6326 has a single footpath on the southern carriageway with the filling station's proposed entrance and exit routes intersecting the footpath.
- If this scheme were to go ahead in its current form, we believe there will be an inevitable increase in traffic which will be detrimental to well-being and safety of our students, creating a significantly increased risk of injury or death through road traffic accidents.

Fernwood Suthers Schools Head Teacher - Object on the basis of the following summarized reasons:

- The proposed scheme currently under consideration has raised significant safety concerns regarding the inevitable increase in heavy traffic, including large vehicles including HGVs which pose a significant risk to the safety of students who travel to school from the aforementioned areas.
- Furthermore, the proposed plan shows that there is very little (if any) provision for pedestrian safety on the B6326 and on the bridge across the A1.

Barton Willmore (on behalf of Urban & Civic Plc.): Concerns raised for the following summarised reasons:

- The SLR roundabout is to the south of the proposed access;

- Urban & Civic do not object to the proposed Roadside Service Area. However, if permitted, at some point in time the proposed access to the Roadside Service Area and the SLR roundabout to the B6326 will need to dovetail and Urban & Civic raise concern about the timing and coordination of the works.

Impact on Safety

- People regularly walk to Fernwood which would be much more difficult with added traffic / road crossings;
- The plans do not make it clear if the footpath would actually continue around the existing footpath and bridge;
- The sweeping corner is already an accident hot spot and 1 pedestrian has already been killed in the area;
- Pupils to the new secondary school and the new houses proposed will need to use this link;
- Children will have to navigate through the movement of HGV lorries and vehicles;
- It will be difficult to use the footpath if vehicles are using the entrance / exit 24/7;
- Cyclists use the path as the road is not safe;
- The Prime Minister has announced an attack on obesity yet the pedestrian / cycle routes for the school will be through a high density traffic area;
- The entrances should be equipped with CCTV;
- The safe provision for cyclists and pedestrians has never been addressed fully on the route over the A1;
- The Core Strategy states that development proposals should provide safe, attractive and convenient accesses for all;
- It must be anticipated that parents will not take the risk and choose to drive their children to school increasing traffic further;
- Having recently been involved in a serious accident on this curve I object in the grounds that any additional activity will create even more hazards;
- A car has recently crashed through the fence bordering the field;
- Robert Jenrick, in the Newark Advertiser of August 6, is quoted as saying 'Newark has a long history of being a cycling town'. How will this be achieved if roads such as the B6326 are made completely unsafe for cyclists?;
- The entrance and exit will entail many right hand turns including long slow vehicles and will be on a blind bend;
- Even the current 40mph poses a risk for pedestrians;
- The surveys underestimate the average speeds – cars are often heard racing around the Fernwood Industrial Park late in the evening;
- Within the past four weeks there has been a serious road traffic incident at the location of the proposed entry /exit;

Impact on Highways

- There are no drawings with the new link road showing what it is going to look like;
- The traffic survey should take account of all of the development within and around Fernwood;
- No account has been taken of the relief road planned to join the new bridge;
- There is no indication of the pelican crossing near the entrance to the Balderton roundabout;

- This section of Great North Road is reasonably busy with the weight of the traffic set to increase with the new houses;
- The road remains narrow and the entry point will be on a partial blind bend;
- Additional traffic flow at roundabouts is unwelcomed and not compatible with local school children and young families;
- No consideration appears to have been made to take into account the proposed new layout for the junction of the A46/A1 link road;
- This section of the Great North Road is the direct route to many places since Hollowdyke Lane was closed to traffic;
- The road layout is not prepared for the increased flow for the changes of the relief road;
- The development should not compromise the ability to provide a safe and likely busy junction between the new relief road;
- The road improvements should be completed before this application is considered;
- The current roads are in a poor state of repair and barely support the current traffic;
- Road improvements appear to have been delayed or funding is at threat;
- The forecast traffic numbers are severely flawed;
- A vehicles travelling north will need to use roundabouts on either side of the services entrance, doubling the traffic numbers;
- Traffic counts should be done adjacent to the Lord Ted pub where excessive traffic queues are common;
- The size of the existing roundabout on the eastern side of the A1 do not have a large enough diameter;
- The impact of road widening has not been address in the proposal and will fundamentally change the nature of the Fernwood area;
- Lorry parking is not so much of an issue now that there are double yellows;
- Has the number of new houses to be built been factored into the appraisal;
- There are going to be a number of new roundabouts along the B6326 which will need to accommodate the additional HGVs;
- There are already problems when there is an accident on the A1 and traffic becomes gridlocked;
- School buses wait on the road which already causes problems because the road is not wide enough;
- Developers often complete one less house than the trigger points resulting in half completed schemes;
- Will Councillors seek justification for this lorry park as a means to alleviate traffic that would potentially be displaced from the recently redeveloped lorry park adjacent to the Newark Livestock Market if the proposed International Air and Space Training Institute (IASTI) is approved;
- The footpath should be relocated;
- The speed limit should be reduced to 30mph instead of 40mph;
- The area has suffered with numerous poorly designed and planned road layouts and junctions around the area for nearly 20 years and have to live with the traffic gridlock;
- The current infrastructure was never designed to accommodate a large volume of traffic and has seen no improvement;
- Have the levels of traffic been genuinely assessed in the context of the 3000+ homes to be built;
- The busiest time for lorry parks coincides with the movements of school buses;
- The current condition of the road is very poor;
- The slip road southbound is short and incorporates a tight bend;

- The B6236 is already a very busy road;
- Fernwood and Claypole are at risk of being cut off from safe access to Newark;
- There needs to be a major re-assessment of the future traffic needs in this area and the impact of the Southern Relief Road to allow the expected investment and development to take place safely;
- Traffic has adequate provision for services at the A1 / B1174 junction just north of Grantham;
- The traffic generation has been estimated using data from Gonerby Moor but there are significant differences with this scheme;
- This site will give rise to a much higher HGV usage;
- Underestimating traffic generation calls into question the junction capacity assessment;
- The TA cannot be relied on to demonstrate that the proposals will not have a severe impact in the highways network;
- Given the serious nature of the flawed TA methodology, a decision by the District Council based on the submitted application documentation would be unsafe and would result in the District Council being placed at risk of judicial challenge;

Impact on Amenity

- Added lorries would create noise pollution especially for the houses which back onto the roundabout;
- Flood lighting would impose on neighbouring residents;
- Other service areas nearby don't have residential properties adjacent;
- Flood lighting is not clear;
- The sound report focusses on raw dbL increase but does not take account the sound profile of the area;
- Residents will hear noise from air brakes and various other harsh noises;
- The layout will give clear sight into neighbouring properties;
- The development would be more appropriate by the industrial buildings;
- Any removal of trees would significantly increase noise pollution to the residents of Fernwood;
- Large sample of the baseline data in the noise report were removed due to wind noise;
- No allowance has been made for the increase in noise generated through the operation of the site – the proposed building and catering outlets will all require mechanical plant and equipment;
- The level of pollution will be extremely high and be detrimental to human health;
- The A1 causes a drone of noise all day for residents of Fernwood but this development will cause more random and overnight noise;
- There is potential for anti-social behavior;

Impact on Flood Risk

- This is a flood plain;
- There is a pipe which runs across the field which is not shown on the plan;
- Every time there is heavy rain the pipe backs up and overflows into neighbouring gardens;
- The land is prone to flooding and water held here will have nowhere to go other than on the main A1 carriageway of the roundabout;

Impact on Landscape

- The proposal will destroy the current local area of greenery;
- The Downtown services which are run by the same company are far from an idyllic picture contained within the proposal;

Impact on Ecology

- The protected woodland that forms the wildlife corridor bordering the B6326 is home to an array of endangered wildlife;
- Green space in this area is being built on at an alarming rate;

Other Matters

- Residents who are directly affected have not been notified;
- Will home insurance go up due to storage and active usage of highly flammable liquids;
- Addresses have not been checked on the noise report so the information cannot be trusted as accurate;
- The A1 has numerous service stations both north and south of the proposed site, including those dedicated to the needs of HGVs;
- There is no faith that the planning department is organized as the expiry date for comments keeps changing;
- The proposal will provide much needed resources for the area and should be accepted;
- The site notice was removed the day after it was posted;
- The proposal is not clear that it would provide overnight parking;
- The Planning Committee should visit the site during rush hour to experience the problems already experienced;
- Fernwood is typically inhabited by families and there is a long term risk on eating habits from fast food outlets;

Comments of the Business Manager

Principle of Development

The NPPG acknowledges that Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area, thus providing a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

Following public consultation and independent examination, Newark and Sherwood District Council adopted the Fernwood Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Fernwood. In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of the proposal in the assessment below.

The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

The Adopted Development Plan for the District is the Core Strategy DPD (2019) and the Allocations and Development Management Policies DPD (2013). The settlement hierarchy for the district is set out in Spatial Policy 1, whilst Spatial Policy 2 deals with the distribution of growth for the district. This identifies that the focus of growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the bottom of the hierarchy are 'other villages' which do not have defined built up areas in terms of geographically defined village boundaries.

As is confirmed by the Newark South Proposals map in the Allocations and Development Management DPD, the site falls within the Strategic Allocation for Land South. Policy NAP 2A is therefore relevant albeit prior to assessment against this policy it is deemed relevant to provide the latest position in respect to the ongoing development within the wider allocation.

Land South of Newark or Middlebeck as it is now known, first gained Outline Planning consent in 2010 with a revised application having gained permission in 2015. This is a phased development of up to 3150 homes to the south of the Newark Urban Area. Development has commenced with Avant, Bellway Homes and Countryside on site building out the residential element of the scheme, the Urban and Civic office building and a café is also open and work to build the Primary School has just commenced all in Phase 1. The Southern Link Road (SLR), which links the A1 overbridge to the A46 at Farndon, has been fully designed across its entire length and the first phase (closest to Fernwood/Balderton), apart from its junction to the A1 overbridge with a roundabout, has been completed and is open, with the remaining phases 2 and 3 linking to the A46 to be commenced in the future planned stages.



Policy NAP2A does not explicitly envisage the development of a petrol filling station; drive thru or the other associated facilities detailed. However, as is shown by the extract of an overall land south masterplan above, the site (circled in red) is shown void of built form. Other than its association with the new SLR, the site would be some distance from the main bulk of the land south proposals. The development as proposed would therefore not prejudice the delivery of the

land south allocation envisaged by NAP2A.

Notwithstanding the above, Policy NAP2A does identify a need for the provision of new and improved highway infrastructure. Whilst there is no doubt that the policy reference to highways infrastructure would have been made primarily with the new SLR in mind, there is an opportunity that the proposed development in this application will add further enhancements to the operation of the highways network in line with the aspirations of Policy NAP2A. This is explored further below.

Impact on Economy

One of the three overarching objectives of the NPPF 2019 is an economic objective, *'to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure'* (paragraph 8). Chapter 6 goes on to confirm that planning decisions should help create the conditions in which businesses can invest, expand and adapt (paragraph 80).

The NPPF 2019 at paragraph 104 confirms that planning policies should provide for any large scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy.

Paragraph 107 goes on to state that planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance.

There is an acknowledgement that the facilities proposed will benefit from the passing trade of the adjacent strategic road network specifically the A1 but also the vehicular traffic which will use the new SLR once fully completed and operational. The Planning Statement details the factors which are considered when acquiring land for a RSA which includes location and access to traffic as well as accessibility and prominence.

The NPPF confirms that LPA's should apply a sequential test to planning applications for main town centre uses which are not located in an existing centre. The overarching aim is to sustain and enhance the vitality and viability of existing centres. For the avoidance of doubt, the proposal incorporates town centre uses as defined by the glossary of the NPPF (the retail unit and the drive thru facilities).

Core Policy 8 (Retail Hierarchy & Town Centres) has been subject to significant review through the Plan Review process (necessary in acknowledgment that the previous policy referred to the now replaced PPS4). The revised policy now better aligns with the national stance, and indeed the corresponding Allocations and Development Management DPD (specifically Policy DM11 'Retail and Town Centre Uses'). The policy details a sequential approach whereby proposals for town centre uses shall firstly be located within a centre, then edge-of-centre and only if no suitable sites are available will consideration be given to out-of-centre locations.

As is explored above, the site is within the policy allocation NAP2A and therefore cannot be considered as open countryside despite its characteristics. Notwithstanding this, I am conscious

that Policy DM8 (Development in the Open Countryside), has a specific allowance for the consideration of Roadside Services. In my view, it would be common sense to apply these principles to the current application assessment, specifically whether or not there is a specific and justified need for the particular location proposed and the development is restrained to the minimum necessary to serve this need. If this need can be accepted then the requirement of a Sequential Test would in my view fall away as there would be specific locational requirements as to why the development would not be appropriate in a town centre context.

The application has been accompanied by a 'Report Relating to an Assessment of Need & Related Matters' undertaken by Tim Hancock dated June 2020. A service area is not considered to represent a destination in its own right with services involving a detour from the road network are not providing commercially successful.

The site, whilst primarily being accessible to northbound A1 traffic, could also serve southbound traffic albeit with a slight detour to re-join the A1 southbound. The Needs report assesses available services along the road network stating distances and locations. It is concluded that the site effectively sits within a gap in the provision of roadside facilities of 26.7miles between Grantham Services and Markham Moor Services for northbound traffic. For southbound users of the A1, the site lies within a gap of 38.5miles between Blyth and Grantham facilities. **For the avoidance of doubt, the report does acknowledge the presence of the Retford Service Area and Muskham Services but goes on to identify constraints with these sites in terms of their accessibility and size.** Further assessments are also made for additional routes including traffic leaving the A1 at the A46.

Furthermore, the report details the overnight provision for HGV parking in the area noting the national stance for this to be improved. The applicants undertook a survey in Fernwood of unauthorised HGV parking between 5th and 11th December 2019. Whilst parking was limited over the weekend, the highest count occurred on the Monday evening where 26 vehicles were parked. It is stated that the findings are consistent with the view that there is a significant unsatisfied need in HGV parking on this stretch of the strategic road network. Officers have no evidence to dispute this conclusion. The proposal would also create electric charging facilities which have an increasing strategic need.

The evidence presented is considered sufficiently robust to discount the need for a Sequential Test and it is therefore accepted that there are site specific locational requirements which would accept the main town centre uses in this location. It is also not considered necessary to apply the impact tests required by Core Policy 8 given that the retail facilities would be ancillary to the wider RSA use but would also, at 183m² fall below the relevant threshold of 350m².

At a local policy level, it is necessary to reference Core Policy 6 (Shaping our Employment Profile). CP6 outlines an intention to strengthen and broaden the diverse range of employment opportunities in the District including through *'supporting the economies of our rural communities.'*

Notwithstanding the employment generated by the construction of the site, the application form confirms that the end uses would create an additional 65 full time equivalent jobs. The support to the local economy including in the context of an employment base would therefore weigh positively in the overall planning balance undertaken below.

Impact on Highways Network

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision. Clearly given the context of the site, the highway safety implications of the proposal are of paramount importance.

Spatial Policy 7 details that the route of the SLR which has not been built will be safeguarded. The proposal is clear that the development has been designed in full acknowledgement of the future delivery of the new SLR adjacent to the site.

The application has been accompanied by a Transport Assessment (TA). This covers numerous issues including accident data over a five year period concluding that there are no issues with road safety which would be exacerbated by vehicle movement associated with the development. As is already identified above, the proposal is not intended to become a destination in itself with the majority of visits anticipated to be association with existing journeys on the road network. In this regard, the site is considered to be safely accessible from the B6326; from the A1 northbound via Balderton Interchange and from the A1 southbound via Fernwood Roundabout and Clay Pole junction.

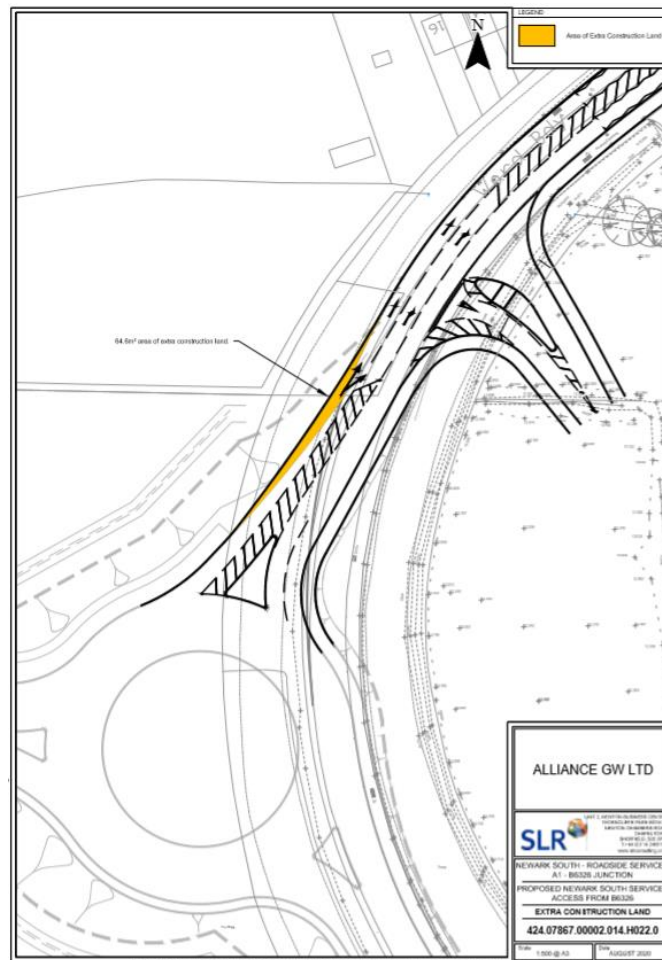
The TA also includes analysis of swept paths for various vehicle manoeuvres within the site confirming that the circulation and accessibility of the site is safe and suitable. Sustainability benefits within the proposal include the provision of 24 spaces with electric charging points.

For clarity, the scope and methodology of the TA were subject to lengthy discussions with Nottinghamshire County Council and Highways England. The complexities of the site meant that all scenarios were considered (i.e. all committed residential developments and their associated trip movements as well as all scenarios of the SLR).

This application has been assessed by the relevant expertise at Nottinghamshire County Council as the Highways Authority and Highways England noting the adjacent A1.

Highways England comments refer to the pre-application discussions that have taken place with the applicant. The traffic impacts are not considered to be severe and subject to a condition requiring a road safety audit for new signage and implications for the users of the southern link road they raise no objections.

NCC as the Highways Authority also refer to pre-application discussions which ultimately lead them to agree that the proposal will not significantly add to delays or prompt serious or reasonable safety concerns. The comments do however go on to discuss the complexities of the site access arrangements given that the access would have to consider the future road network scenario as well as the existing. This is further complicated by the ongoing discussions around the exact design of the southern link road roundabout. As prompted by the comments, Officers have discussed the likely design with the relevant parties. Whilst assumptions have been provided, it has essentially been confirmed that the exact design is not yet known. Nevertheless an associated legal agreement would be reasonable provided it is carefully worded in order to ensure that the costs attributed to the applicant are only those that arise from the changes to the design necessitated by the proposed development. **This is likely to amount to the costs associated with around 65m² of additional construction as shown in yellow on the following plan (drawing 424.07867.00002.014.H022.0):**



It is fully appreciated that matters of highways safety form a significant concern in the context of the neighbouring comments submitted for the application. This is also acknowledged by the applicant through their response to consultations received dated 9th September 2020.

Members deferred the application from the previous meeting to allow a consideration of highway safety impacts – particularly safety of pedestrians who might access the site or travel within the site. Officers have taken the opportunity to discuss this matter with the agent; their highways consultants; and NCC Highways. It has been confirmed that the road safety audits focus on the interactions with the highways network outside of the site itself. Nevertheless, internal pedestrian safety has been carefully considered as detailed by the routes indicated by additional supporting documentation received on 19th October and included within the presentation slides.

Furthermore, an independent Pedestrian Safety Audit has been completed. The audit concludes that the proposed development will have no significant impact in terms of increased risk to pedestrians, subject to the implementation of a recommendation to offset the pedestrian demarcation areas from the HGV parking spaces within the HGV zone and the use of dropped kerbs at crossing points and DDA spaces. A revised site layout plan to this effect has been submitted.

Officers recognize that there would be nothing to prevent pedestrians accessing the buildings at the site (albeit the agent has confirmed that school children at Suthers School would not be allowed to leave the school site during breaks). However, in the context of the routes shown and the audit undertaken, this is not considered to amount to a pedestrian safety concern.

Ultimately Officers would agree with the applicant that the relevant expertise (i.e. Highways England and NCC Highways) have identified no harm to the highways network arising from the proposal. On this basis, whilst not palatable to the parties concerned, it would be inappropriate to resist the application on highways safety grounds.

NCC Highways and Highways England have suggested conditions which Officers have carefully considered. ~~The requirement for a Road Safety Audit recommended by Highways England would be better placed in the associated legal agreement. Officers have sought agreement to this from Highways England, the response of which will be reported to Members within the schedule of representation at the Committee Meeting.~~ The conditions by NCC Highways include a condition relating to mud on the highway however this would be covered by the wheel washing requirements of the suggested construction management condition. **As reported to Members in the late items schedule for the October meeting, Highways England updated comments now suggest a condition relating to a signage strategy which is considered reasonable and therefore has been added to the recommendation below (condition 20).**

Impact on Character and Design

Core Policy 13 (Landscape Character) sets out a framework for assessing landscape character and sets expectations that development proposals should positively address the implications, aims and objectives of each landscape policy zone. The adopted Landscape Character Assessment (LCA) is a district level assessment of landscape character (that sits hand in hand with CP13) and is a useful tool in assessing local landscape character in relation to specific sites.

Policy DM5 refers to the rich local distinctiveness of the District's character of built form requiring new development proposals to reflect their local surroundings. Chapter 12 of the NPPF 2018 provides guidance in respect of achieving well-designed places confirming at paragraph 124 that, *'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*

The site is within the South Nottinghamshire Farmlands Character Area which extends over a relatively large tract of land between the southern edge of the Greater Nottingham conurbation and the urban edge of Newark. The LCA identifies that the area contains some of the highest quality agricultural land in the District with a very strong arable tradition.

The site itself is within South Nottinghamshire Policy Zone 08: Cotham Village Farmlands. The landscape condition of this area is defined as being very poor identifying that the road network forms many detracting features of the area. The overall landscape sensitivity is also defined as very low. The proposal would meet one of the aspirations for built features in that it would create new development around the existing settlements.

There is clearly a balance to be struck in terms of the landscape impacts of the proposal. For operational purposes, the development must have a degree of visibility in the wider landscape to be commercially successful. The supporting documentation to accompany the application provides a robust base on which to assess the landscape implications of the proposal including a Landscape and Visual Appraisal (LVA) and full landscape plans. Moreover, CGI Imagery has been provided

which presents a useful tool in envisaging what the proposed development will look like on the ground.



The LVA undertaken by Influence sets a study area of 750m from the application site. A series of viewpoints were selected representing different types of views and groups of receptors within the immediate area and wider surroundings. Residents at Newark settlement edge were identified as key visual receptors. The majority of the residents in Fernwood do not have visibility of the site due to dense vegetative perimeters. Impacts on residents is discussed further below in the amenity section. Other visual receptors include uses of nearby public rights of way (specifically FP9 and the cycle route).

I would concur with the assessment of the LVA that the landscape has a suburban feel and that the height of the proposed development would be comparable to nearby residential properties (which includes three storey dwellings in the village of Fernwood). The majority of the boundaries will remain intact with additional screening offered through the detailed landscape proposals. Overall, the impact on local landscape receptors of the proposed development on completion is judged as low and the nature of the effects is adverse. I would agree that the landscape impacts of the proposal would be low and in some respects mitigated by proposed additional planting which could be secured by condition. In my view, the proposal has appropriately struck the balance between being visible enough to be functional as a RSA but discrete enough so as not to harm the local landscape character.

Clearly the development would represent a fundamental change from the existing character of the site. Nevertheless I am conscious that the site is bound entirely by a major road network such that the proposed change to hardstanding would be well assimilated within the immediate site surroundings.

In terms of the specific design of the buildings, these would be modern but functional in nature with elements of render and timber cladding. Policy NP1 of the Neighbourhood Plan requires developments to draw upon local character in terms of materials and style to ensure the

development enhances the distinctiveness and quality of the village as a whole. It also encourages production of a design standards document for major developments.

Notwithstanding this, I am conscious that the site would be read as a standalone development somewhat departed from the village and better connected to the road network. The submitted Design and Access Statement details that an experienced operator, Welcome Break Services Ltd. have been secured to deliver the site and will operate under the Applegreen brand. The design development process is stated as being a collaboration process between the parties to ensure a deliverable and viable outcome.

There is an acceptance to the corporate design of the buildings and equally an acknowledgment that the varied use of materials will break up the façade and reduce the perceived bulk and scale of the buildings. Whilst the use of materials would align more with the Business Park than the residential development nearby, this is not considered fatal in principle. Overall the design of the development would comply with Policy NP1 and the relevant elements of Policy DM5.

Impact on Trees and Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Policy DM7 states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network.

The NPPF incorporates measures to conserve and enhance the natural and local environment and requires outlines a number of principles towards the contribution and enhancements of the natural and local environment within Chapter 15.

The application has been accompanied by an Extended Phase 1 Habitat Survey based on site visits in April and June of 2019. The survey identified the following habitats within the site area:

- Species poor semi-improved grassland;
- Boundary hedgerows;
- Drainage ditch;
- Cleared ground / hardstanding;
- Small areas of Bramble and Tall ruderals;
- Dead wood piles.

There are no statutory or local ecological designations which affect the site itself. Nevertheless the hedgerows forming the boundaries of the site would be suitable for breeding birds and the southern boundary is adjacent to an area of broadleaved woodland plantation. It is recommended that if works are undertaken during bird breeding season then the hedgerows are surveyed prior to the works. There is considered to be an extremely low / negligible likelihood for the presence of reptiles on the site partially due to its isolation being surrounded by the road network. The drainage ditch has nevertheless been tested for evidence of Great Crested Newts with the results showing no DNA evidence and therefore not requiring further survey works. The site holds the moderate potential to be a habitat for amphibians but low for bats; badgers and larger mammals.

The Environment Agency comments make specific reference to water vole stating that they are believed to be present at the proposed development site. The comments go on to state that the,

“ecological reports states that it is likely that water vole are present within the ditch on site which is to be diverted”. In reviewing the ecological report, the language used is that it is *“possible that this species may access the drainage ditch crossing the site”* and then actually goes on to suggest no further survey works are required. Nevertheless, for the avoidance of any doubt, the condition suggested by the Environment Agency for a water vole protection plan is considered reasonable and necessary to the development in the context of the importance of the species. This has been agreed by the agent on behalf of the applicant.

Suggested mitigation measures are set out at Appendix 4 of the Report and could also be reasonably conditioned if permission were to be forthcoming.

The application has not been supported by a specific Tree Survey. However, the positioning of trees and hedgerows are indicated on the existing layout plan and topographical survey. This shows that there are hedgerows internally within the site which would be affected by the proposed development. In addition there are tree specimens close to the existing access point from the B6326 (which would need to be removed to facilitate the development). The landscaping plans show that the majority of the hedgerows around the site boundaries would be retained. These plans (which have been updated during the life of the application) also show detailed proposed planting areas and tree specimens as well as a low maintenance grass mix on an east west transect across the site to allow for the oil pipeline easement. Having assessed the site as existing, it is not considered justifiable to insist on a specific Tree Survey. The trees close to the existing access are set internally within the site and therefore in my view do not contribute significantly to the landscape character of the wider area. The comprehensive landscaping scheme, the delivery of which could be secured by condition, would be sufficient to mitigate the loss of trees and internal hedgerows required to facilitate that development.

The proposal has provided a landscape strategy and assessed the impact of the proposed on local biodiversity, both of which are specific requirements of Policy NP5 of the NP. The proposal would also accord with Core Policy 12 and Policy DM7 such that there would be no reason to resist the application on ecological grounds subject to the imposition of the aforementioned conditions.

Impact on Amenity

Policy DM5 is clear that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. Paragraph 127 of the NPPF confirms that decisions should ensure that developments create places with a high standard of amenity for existing and future uses.

Despite the aforementioned road network which bounds the site there are residential neighbours in relatively close proximity to the site which would be potentially affected by the development. There is a level of tree cover between the site and the nearest neighbouring residents which should ensure that neighbouring properties would not experience a detrimental overbearing impact from the associated built form. The maximum height of the built form would be approximately 8.5m which would not be particularly unusual in a residential context. The distance between the PFS and the nearest property would be around 50m.

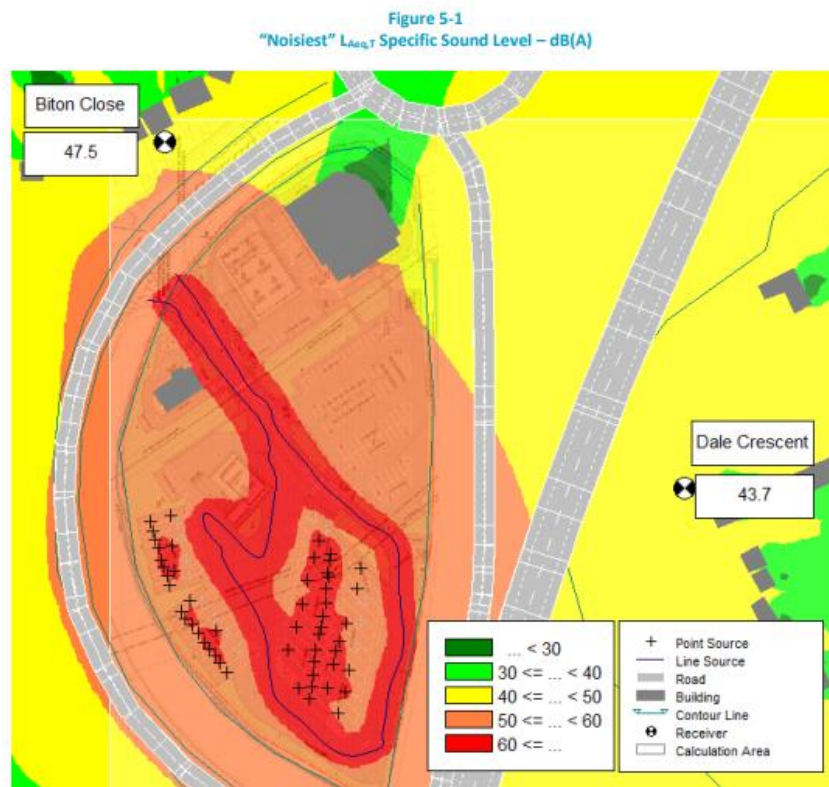
As detailed above, the submitted LVA has taken account in the nearby residential properties in terms of being visual receptors to the landscape impacts of the development. The viewpoints selected identify that upper windows of some properties may have views of the site which would

be less filtered during the winter months. It is considered that most of the residents in the area will experience no change or minimal change in their view and are already experiencing a similar circumstance. Whilst properties on Bilton Close would be highly sensitive to the development, in the context of the above discussion on heights and distances, the physical form of the development is not considered to amount to amenity harm which would warrant concern.

Notwithstanding the above, the proposal clearly imposes potential amenity impacts through an increase in noise and disturbance as well as impacts from any associated lighting. The application has been accompanied by both comprehensive lighting details and a noise assessment.

The Noise report acknowledges that a number of the uses (including the PFS) would operate on a 24 hour basis. Clearly the functionality of the uses warrants this but it does increase likelihood of adverse neighbor impacts occurring at anti-social hours (especially lorry movements). The lorry park has been positioned at the south of the site which is furthest away from the potential sensitive receptors identified.

Noise monitoring was placed to acknowledge baseline data for the residents of Bilton Close and Dale Crescent. Unsurprisingly, the sound climate at both locations was characterized by road traffic. The graphic below shows the estimated 'noisiest' potential sound level:



The conclusions of the report are that, during the daytime the rating level of HGV movements in the Lorry Park would be well below the background sound level at both Bilton Close and Dale Crescent. In accordance with BS4142:2014+A1:2019 the Lorry Park would be unlikely to have an adverse noise impact during the daytime. At nighttime however, the results showed a rating level above the background sound level between the hours of 02:00 and 03:00. This is detailed as being 1dB(A) above the background sound level at Bilton Close.

As for most of the night-time period the rating level of HGV movements in the Lorry Park would be below the background sound level, the author of the report considers that on balance, and in the context that HGV noise would be similar to that existing on the surrounding road network, the Lorry Park would at worst (between 02:00 and 03:00) have a low night-time noise impact, and at all other times any adverse impact would be unlikely. Reference is also made to the likelihood of the background noise data to change once the already approved SLR is built out in full. No specific mitigation measures are deemed necessary or presented.

The noise report has been assessed by colleagues in Environmental Health. Their original comments raised a number of issues including in respect of night time noises associated with the lorries accessing and leaving the site. Ultimately the comments required further information which has been passed on to the applicant during the life of the application.

A response has been received by the applicants consultants which includes further details of the likely plant to be used (and indeed its positioning). The response also contends that the noise from HGVs entering and existing the site has already been included in the submitted noise assessment and that the access will be designed without an excessive gradient (in line with highways guidance) such that it will not lead to excessive engine revving. The consultant has also addressed likely nighttime noises concluding that inside a room with a partially open window, at a distance of approximately 45m the noise modelling shows a level of 36.9dB(A) which would meet the World Health Organization restrictions.

The EHO has assessed the latest document ultimately concluding no objection in principle. The comments then go on to suggest a number of conditions which have been carefully considered by Officers. The first, in relation to the charging pedestals for refrigerated goods is reasonable although Officers have amended the wording slightly in case an alternative product is ultimately selected. It is considered that this would also cover the second concern given that the charging points mean the engines do not need to run overnight. The majority of the rest of the concerns can be amalgamated into a Construction Management Plan condition and a separate condition seeking the details of plant prior to installation. With these measures in place, it is not considered that the development would create unreasonable noise impacts.

Given the 24 hour nature of the site, the impacts of the associated lighting strategy require careful consideration to ensure that glare from the proposed lighting does not conflict with existing residential properties. Although the lighting strategy is written in the context of the impact on the wider strategic road network (in line with Highway England discussions) Officers consider it also relevant to neighbouring amenity. Notably, it is stated that the lighting design has given particular attention to the onsite traffic routes to reduce night time artificial light contrast in an attempt to remove the risk related to vehicle headlights creating glare beyond the site boundary. The light lux plan shows that the glare from the proposed lights would be largely contained within the site boundary.



Again, the technical details of the lighting documents have been assessed by colleagues in Environmental Health and found to be acceptable. The lighting details could be added to the list of approved plans and therefore there is no requirement for further information.

Concern has been raised during the consultation process regarding the impacts of pollution arising from the development. An Air Quality Assessment has been submitted during the life of the application which acknowledges that the site is in a location where air quality is mainly influenced by road traffic emissions. The proposed development at its operational stage is expected, according to the assessment, to result in an overall negligible impact on nearby receptor and the residual effects are not considered to be significant. Environmental Health colleagues have reviewed this document and agreed with the conclusions albeit have confirmed that suitable mitigation as suggested by the report should be employed during the construction process.

Impact on Flood Risk

The application site is within Flood Zone 1 according to the Environment Agency maps and therefore there is no requirement to apply the Sequential Test for the development.

Given that the proposal forms major development, it has been accompanied by a Flood Risk Assessment and Drainage Appraisal. Specific details have also been provided regarding the diversion of the existing Lowfield Drain within the site. Other constraints which affect the site are a Severn Trent pipeline. The majority of the site is considered as being at a low risk of surface water flooding with the exception of a site specific risk posed by the potential blockage of Lowfield Drain.

As is detailed by the submitted FRA, surface water drainage is proposed to be divided into two drainage catchments separated by the CLH oil pipeline. Discharge from each catchment will be discharged into Lowfield Drain at or below equivalent greenfield rates. Excess flows will be held back on the site within below ground crated storage systems which have been size to accommodate flows for all event up to the 1 in 100 annual probability storm with a 40% uplift to account for potential change in flood severity associated with client change. Foul drainage from the site will be managed via a package treatment works which will provide treatment prior to discharge to Lowfield Drain (subject to agreement through the Environmental Permit discussed further below).

The presence of the Lowfield Drain is referenced by the submitted Design and Access Statement and acknowledged as transversing the northern section of the site and flows from east to west although is largely overgrown and is not visually prominent. The drain requires diversion around the northern boundary of the site to facilitate the development.

The application has been considered by relevant consultees as detailed in the consultation section above. Neither the Environment Agency nor NCC as the Lead Local Flood Authority have raised any concerns from a flooding / drainage perspective. Both parties have suggested conditions which require further details of foul drainage and surface water drainage schemes. These are considered reasonable and could be attached to any forthcoming permission.

Land Constraints and Ground Conditions

Paragraph 178 of the NPPF 2019 states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

The submitted geo-environmental assessment did identify some ground gas as discussed in the comments of Environmental Health (contaminated land). The comments do not object to the development but rather suggest a bespoke condition should be imposed to further monitor the gas regime. This has been agreed in principle by the applicant. **Since the October meeting, the applicant has provided, by letter dated October 2020, an updated position in relation to gas monitoring. The applicant now wishes to electively install gas protection in lieu of further monitoring. This is agreed in principle by colleagues in Environmental Health subject to a bespoke condition requiring compliance with the methodology outlined and the subsequent provision of a verification report.**

As is discussed above, the site is subject to constraints including a fuel pipe from west to east in a diagonal direct which has an associated 6m easement. The easement means that no structures, hard standing, planting or development is permitted within the easement (other than the pre-agreed vehicular, pedestrian and services crossing points which have been designed to a minimum).

Owing to the presence of the pipeline, Officers have undertaken a PADHI+ assessment using the Health and Safety Executive tools. As is detailed above, the tool identifies that the site does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline therefore no formal consultation with HSE is required.

Consultation has also been undertaken with Fisher German with their response letter confirming the presence of a pipeline crossing the site. The applicant is clearly aware of this constraint and indeed the development has been laid out accordingly to allow for the necessary easements. The letter also confirms that landowners and third parties have a duty of care not to carry out any works that have the potential to damage the apparatus. This would be outside of the planning process and the presence of the pipeline is not considered to be a barrier to development in principle. Further correspondence has suggested that the applicant has been working with Fisher German and made an agreement that they would be satisfied with the removal of permitted development rights on the site to ensure that any further changes were subject to further consultations. Officers consider that this condition would meet the necessary tests and therefore it is suggested that it should be attached to any forthcoming positive decision.

As is detailed by the comments of Environmental Health, the petrol storage tanks are an industrial activity which would require a permit under the Environmental Permitting (England and Wales) Regulations 2016. This is separate to Planning Legislation and does not require further consideration through this assessment. A permit would be required prior to the operation of the site even if planning permission is granted.

Other Matters

The application has been accompanied by details of boundary treatments and bin storage areas. The bin storage would be fully enclosed within a 2.5m high close boarded fence structure which would assist in the escape of odour and likelihood of pests and vermin. A wash down tap would also be provided to allow regular cleaning and maintenance of the area. An associated Waste Management Plan has also been submitted to an attempt to reduce waste sent to landfill. This document has been assessed by colleagues in Environmental Services and found to be appropriate. The agent has confirmed that the Plan includes details for litter collection in the form of regular emptying of bins on site.

The original comments of the Archeological officer requested the submission of further works during the life of the application. These have been submitted and subsequently reviewed as detailed by the updated comments included above. Essentially it is agreed that no further archeological work is necessary on the site.

Comments received during consultation make reference to the original site notice being removed from the site. As soon as this was brought to Officer's attention the site notice was replaced and thus Officers are confident that the statutory requirements for consultation have taken place. Equally another comment states that the proposal description is not clear the intention is for overnight parking of lorries but Officers consider this is covered through the element 'dedicated parking' and in any case is implicit in the detail of the application.

Overall Planning Balance and Conclusion

The site is within the land allocated as NAP2A land south of Newark. The comprehensive site allocation did not envisage the nature of the development proposed albeit as explored above does require provision of necessary infrastructure and the provision of new and improved highway infrastructure. The justification submitted to accompany the application demonstrates a robust need for the mixed use site proposed namely due to an existing 'gap' in provision for service stations along this stretch of the A1 but also national requirement for overnight lorry parking. The

development would not prejudice the overall delivery of the land south allocation and therefore can be supported in principle.

The site specific locational requirements of the development render it inappropriate to apply the Sequential test ordinarily required for town centre uses outside of Main Town Centres.

Benefits of the proposal include the aforementioned benefits to lorry parking provision but also the sustainability benefits of a significant level of parking spaces with electric charging points. The proposed development would also create 65 FTE jobs which is welcomed in support of the local economy.

The design is modern and contemporary whilst also being functional to the end commercial uses. All other matters, including landscaping; ecology and amenity impacts could be appropriately mitigated through condition. The constraints of the site are noted (including the presence of pipelines and a drainage ditch) but again the proposal demonstrates the ability to sufficiently mitigate the development against harmful impacts arising through these constraints.

The site is in a sensitive location in respect to the strategic highways network which has been subject to discussion with the relevant consultees. Clearly, the location of the site adjacent to the highways network is fundamental to the commercial success of the proposal. Both NCC Highways and Highways England have accepted that the proposal would be appropriate in highways safety terms.

Overall, subject to the conditions outlined below, no demonstrable harm has been identified which would outweigh the benefits of the development and therefore the recommendation is one of approval.

RECOMMENDATION

That planning permission is approved subject to the conditions and reasons shown below and a Section 106 agreement securing off-site highways works and the road safety audit required by Highways England:

Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plan references:

- Proposed Layout – 160862-PLNG3S;
- Proposed Layout 200 Scale Sheet 1 – 160862-PLNG4P;

- Proposed Layout 200 Scale Sheet 2 – 160862-PLNG5P;
- Proposed Layout 200 Scale Sheet 3 – 160862-PLNG6M;
- Proposed Layout 200 Scale Sheet 4 – 160862-PLNG7J;
- Proposed Site Sections – 160862-PLNG8F;
- Proposed CLH Sections – 160862-PLNG9C;
- Proposed Service Road Sections – 160862-PLNG11A;
- Proposed Petrol Filling Station Building Layout– 160862-PLNG12C;
- Proposed Petrol Filling Station Roof Plan– 160862- PLNG13A;
- Proposed Petrol Filling Station Building Elevations– 160862- PLNG14A;
- Drive Thru' Coffee Shop Elevations, Internal Layout & Roof Plan – 160862-PLNG15B;
- Site Elevations– 160862-PLNG16A;
- Ancillary Details. – 160862-PLNG17B;
- Bin / Delivery Compound Detail – 160862-PLNG18;
- Typical Sub Station Detail – 160862-PLNG19;
- Lighting Specification and Assessment for Proposed Lighting Scheme by GW Lighting Consultancy dated 19/06/20;
 - Proposed Lighting Layout – DM109 Sheets 1 and 2;
 - Site Boundary Lux Levels;

Reason: So as to define this permission.

03

No development above damp proof course shall take place until manufacturers details (and samples upon request) of the external facing materials (including colour/finish) have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out and retained in accordance with the approved details.

Reason: In the interests of visual amenity.

04

Prior to first use of the development hereby approved, full details of any proposed air conditioning equipment, ventilation extraction system or other external plant including fans shall be submitted to and approved in writing by the Local Planning Authority. The approved equipment and plant shall only be installed and maintained strictly in accordance with the approved details.

Reason: In the interests of visual and residential amenity.

05

No part of the development shall be commenced or until works on B6326 including a right turn lane facility have been provided as shown for indicative purposes only on drawing 424.07867.00002.014.H020.1 to the satisfaction of the Local Planning Authority. Should the SLR roundabout construction pre-date the development then the above drawing number should be replaced by 424.07867.00002.014.H021.2.

Reason: In the interests of highway safety.

06

No part of the development hereby permitted shall be brought into use until the parking/turning/servicing areas are provided in accordance with the approved plan. The parking/turning/servicing areas shall not be used for any purpose other than parking/turning/loading and unloading of vehicles.

Reason: To reduce the possibility of on-street parking occurring as a result of the development to the detriment other road users.

07

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved SLR Flood Risk Assessment (FRA) and Drainage Appraisal SLR Ref: 424.07867.00002(0002), has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge rate as the Internal Drainage Boards requirements.
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term

Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

08

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (and any order revoking, re-enacting or modifying that Order), no development (either temporary or permanent) other than that approved by plan reference Proposed Layout – 160862-PLNG3R shall take place in the area annotated as “CLH PIPE WITH 6M EASEMENT” on plan reference Proposed Layout – 160862-PLNG3R.

Reason: In acknowledgement of the high pressure fuel pipeline which exists on the site and to ensure that any further development is considered in this context.

09

The approved landscaping scheme as shown on plan reference Planting Plan – N0601 (96)001 Rev No. B and supported by the Planting Schedule & Specification – N0601 (96)002 Rev. No B shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

Reason: In the interests of biodiversity.

10

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with the terms outlined in the letter from eps dated 16th October 2020 re: gas monitoring prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11

The development hereby permitted shall not commence until a foul water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and completed prior to the development being brought into use.

Reason: To ensure that the proposed non-mains drainage system does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.

12

No development shall take place until a plan for the protection of/mitigation of damage to water vole and its habitat, both during construction works and once the development is complete, has been submitted to and approved in writing by the Local Planning Authority. The water vole protection plan shall be carried out in accordance with a timetable for implementation as approved.

Reason: To protect the water vole and its habitat within the development site and avoid damaging the site's nature conservation value.

13

Vegetation clearance shall take place in accordance with Appendix 4 of the Extended Phase 1 Habitat Survey by CBE Consulting – P2046 / 0620 – 01 V2 dated 04 June 2020. For clarity this includes a requirement for a pre-clearance amphibian check by a suitably qualified ecologist. In addition any vegetation being trimmed or removed during bird nesting season shall be preceded by an inspection by a suitably qualified ecologist. Any nests identified shall be marked and identified so that they can be avoided during works and suffer no significant disturbance until any chicks have fledged and left the nest.

Reason: To protect the ecological value of the site.

14

No external storage shall take place until a plan showing the external storage area and means of demarcation have been submitted to and approved in writing by the Local Planning Authority. No external storage shall thereafter take place outside of any agreed area.

Reason: In the interests of residential and visual amenity.

15

The construction of the development hereby approved shall be carried out in accordance with the Mitigation and Residual Effects Section 6.1 of the document Air Quality Assessment by deltasimons – 20-1381.01 dated August 2020. For clarity this requires site management and monitoring as well as preparing and maintaining the site.

Reason: To protect the amenity of neighbouring land uses.

16

The development hereby approved shall be carried out in accordance with the principles of Section 5 'Construction Waste and Recycling Management' and Section 6 'Operational Waste and Recycling Management' of the document Waste Management Plan dated June 2020. The development shall not be brought into use until the positioning and number of bins (notwithstanding the bin and delivery compound shown on plan reference Proposed Layout – 160862-PLNG3R) have been provided in accordance with design, siting and materials details, which have been first submitted to and approved in writing by the Local Planning Authority. The bin storage facilities shall be provided prior to the development being brought into use in accordance with the approved details and retained thereafter.

Reason: In the interests of appropriate amenity provision.

17

Notwithstanding the details shown at Appendix 3 of the EHO Officer response document received 24th September 2020, prior to the development being brought into use, the position; specification and number of electrical HGV charging pedestals to be provided on site shall be submitted and agreed in writing by the Local Planning Authority. The HGV charging points shall be installed prior to the development being brought into use in accordance with the approved details and retained for the lifetime of the development.

Reason: In the interests of residential amenity.

18

No development shall take place until a Construction Methodology and Management Plan (CMMP) has been submitted to and approved in writing by, the Local Planning Authority. The approved CMMP shall be adhered to throughout the construction period. The CMMP shall comprise the following:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of oils, fuels, chemicals, plant and materials used in constructing the development
- The erection and maintenance of security hoarding, including any decorative displays and facilities for public viewing
- Wheel-wash washing facilities and road-cleaning arrangements
- Measures to control the emission of dust and dirt during construction
- A scheme for recycling/disposing of waste resulting from site preparation and construction works
- Measures for the protection of the natural environment
- Full details of any piling technique to be employed, if relevant
- Location of temporary buildings and associated generators, compounds, structures and enclosures, and
- Routeing of construction traffic.
- Measures to limit noise emissions and vibration levels from the site and from plant machinery

Reason: To protect the amenity of the surrounding area

19

The hours of operation for construction on site shall be limited to Monday to Friday 08:00 to 18.00hrs, 08:00 to 13.00hrs Saturday and no works on site on Sundays/Bank Holidays.

No deliveries shall be received or dispatched from the site outside the hours of Monday to Friday 08:00 to 18.00hrs, Saturday 08.00 to 13.00 hrs nor at any time on Sundays and Bank Holidays.

No piling shall be undertaken or vibrating rollers used on site on Saturdays, Sundays or Bank Holidays. The local Authority shall be notified of any Piling technique to be employed on site in advance for approval in writing. The approved details shall then be implemented.

Reason: In the interests of residential amenity.

20

No part of the development hereby permitted shall commence until a Signing Strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. The signs shall thereafter be implemented prior to teh in accordance with the strategy.

Reason: To ensure that the A1 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980, in the interests of road safety.

Notes to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03

This grant of permission does not convey consent for the display of any advertisement on the application site.

04

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact david.albans@nottscc.gov.uk for details.

05

The development surface water will outfall to Lowfield Drain at locations within the site boundary, some of which is adjacent to Highways England land. Lowfield Drain itself is proposed to be redirected from the centre of the site, around the site boundary, from a position close to the outlet of the A1 culvert, to the inlet of a culvert beneath the B6326. This proposal is acceptable to the Highways England Drainage Team however, care should be taken during construction to ensure:

- a. No works are to be undertaken within Highways England's estate – if works are required within Highways England land at the A1 off-slip, prior agreement is required.
- b. The flow within Lowfield Drain shall be sufficiently maintained during construction so as not to impede the highway drainage flow from Highways England (or the Local Authority) outfalls. The proposed works must not pose a flood risk to the A1 during construction.

06

Notes on gas monitoring:

~~Gas monitoring data must be collected from appropriate locations and collected on a weekly basis over a minimum period of three months. Gas monitoring must be undertaken for methane, carbon dioxide, oxygen, hydrogen sulphide and hydrogen. Details of the quantities and flow rates for any ground gases detected must be submitted to the Local Planning Authority.~~

~~Monitoring should be targeted to days when the atmospheric pressure is low and falling, as these are the optimum conditions for gas migration. Prior to the commencement of monitoring, the details of the proposed method of monitoring, location and depth for borehole(s) must be submitted to the Local Planning Authority for approval~~

BACKGROUND PAPERS

Application case file.

For further information, please contact Laura Gardner on extension 5907.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 20/001177/FULM

