

# 22/01989/FUL

**Applicant** Venari Land Limited

**Location** Land At Junction Of A606 Widmerpool And Fosse Way Hickling Pastures Nottinghamshire

**Proposal** Erection of Roadside Service Area (RSA), including a single storey RSA building, four island petrol filling station forecourt and canopy, Electric Vehicle (EV) charging bays, HGV fuelling facilities, canopy and parking, a drive thru/coffee unit and associated development, including car parking, circulation space and new access from the A606, on-site and perimeter landscaping, drainage infrastructure including attenuation ponds and swales and boundary treatment

**Ward** Nevile And Langar

Full details of the proposal can be found [here](#).

## THE SITE AND SURROUNDINGS

1. The site is approximately 2.5 ha in area, roughly triangular in shape and was last used for agricultural purposes as part of an arable farm. To the west is the A46, north is the A46/A606 roundabout and east the A606/Melton Road. The site is approximately 3.5km to the west of Hickling, 2.5km to the east of Widmerpool and 3km to the south of Kinoulton and sits at the western edge of the ribbon development that is Hickling Pastures. The closest property to the site is that at Turnpike farm, approximately 180m to the south. The closest public right of way to the site is Hickling FP8 situated approximately 380m to the south and heading in a north easterly direction. The site is bound by hedging with a scattering of trees along the boundaries and the site slopes gently from north to south.
2. The site is considered to be in a countryside location and is not within the Green Belt. The closest heritage assets are Wolds farmhouse approximately 1km to the north and Broughton Grange farmhouse approximately 1.2km to the south. Land to the north on the opposite side of Melton Road is identified as Crossroads Meadow; a species rich hay meadow and a Local Wildlife Site (LWS).

## DETAILS OF THE PROPOSAL

3. Planning permission is sought for the erection of a 24 hour Roadside Service Area (RSA) which would include a single storey RSA building, four island petrol filling station forecourt, covered HGV filling area, a drive through coffee store, electric vehicle charging points and associated car and lorry parking spaces.
4. The service area building would be located to the western side of the site and would be approximately 40m deep and 20m wide and finished with a flat roof set at two heights, with the majority set at 6m high, save for a section to the north western corner set at 7.1m to allow for a potential future mezzanine

drivers lounge in support of the EV charging demand. The coffee store would be closer to Melton Road (further east) and be 22m deep, 16m wide (including overhang) and 3.9m high.

5. The applicant has provided an indication of likely materials for the buildings and these would (as indicated on the submitted CGI's) be composite panels indicated to be copper beech colour, timber cladding and elements of living green walls. Roofs would generally be flat and covered with solar photovoltaic panels. Rainwater harvesting is proposed with a subterranean tank indicated to the south of each of the buildings.
6. The filling station and forecourt are proposed to be sited to the north of the RSA and would provide 8 pumps on 4 islands. 20 electric vehicle charging points are proposed to the north of the filling station. To the south of the RSA, 15 HGV parking bays are proposed with a HGV fuelling area situated to the south west of the site. The site is proposed to be landscaped with a number of additional trees proposed within the boundary of the site and two attenuation ponds and a swale towards the southern boundary.
7. The applicant details that the proposal would create 65 full time equivalent jobs for the local community.
8. The application is supported by:
  - Topographical survey
  - Flood risk and drainage assessment
  - Landscape plan
  - Alternative site assessment
  - Assessment of need
  - Electric vehicle charging report
  - Planning statement
  - Design and access statement
  - Design review report
  - Landscape and visual impact assessment
  - Heritage statement
  - Archaeological investigation
  - Air Quality report
  - Lighting impact assessment
  - Extended phase 1 habitat assessment
  - Biodiversity indices
  - Geo environmental desk study
  - Ground conditions survey
  - Site waste management plan
  - Transport assessment including road safety audit
  - Pedestrian and cyclist safety review

## **SITE HISTORY**

9. 22/02025/SCREIA - EIA Screening opinion for proposed service station. Decision issued by letter in December 2022 confirming an Environmental Impact Assessment was not required.

## REPRESENTATIONS

Copies of all representations can be found [here](#), however summaries of all comments received can be found below:

### Ward Councillor(s)

10. The Ward Councillor (Councillor Combellack) – Objects to the application for the following reasons;
  - a. Hard surfacing will contribute to an area already prone to surface water flooding
  - b. Concern raised in relation to discharge of water into Fairham Brook resulting in flooding downstream in Widmerpool, Bunny, Ruddington and West Bridgford.
  - c. It is difficult to see how biodiversity can be increased when the land is currently green agricultural and is proposed to be largely hard surfaced.
  - d. The proposal will create a destination location where there is no demand, which will undermine any existing pubs and cafes to the detriment of the rural economy
  - e. The Local plan supports rural diversification and small-scale development, this isn't small-scale development
  - f. Landscaping will do little to soften the appearance of the development as it needs to be readily visible
  - g. The site is not sustainably located with no public transport connections
  - h. The Stragglethorpe site is much better located than this site and already partly developed
  - i. The site will be extremely close to the nearest dwelling approx. 100 yards
  - j. The proposal will result in extreme light pollution, turning dark rural skies into a sea of commercial activity, the objection from the astronomical society should be noted and given due weight
  - k. The development will create noise as lorries start engines and enter and exit the site
  - l. The site will result in safety issues with the potential for increased burglary
  - m. The site entrance is not ideal it will create queuing traffic to the Widmerpool island
  - n. The site will result in safety issues as the school bus drops and collects children at the Widmerpool island
  - o. There is no demonstratable need for the facility, the local area is not subject to overnight HGV parking. Fuel is already available 9 miles either side of the Widmerpool island. In recent years other stations on the A46/A606 have closed due to lack of demand.

### Town/Parish Council

11. Hickling Parish Council – object to the application for the following reasons;
  - a. The proposal is directly against 2 of the key pillars of the NP notably safeguarding the character and beauty of the countryside and reducing the impact of traffic.
  - b. The development is unnecessary, there are local alternatives at Tollerton, Stragglethorpe, Bingham A46/A52 and a shell garage south of Six Hill A46.

- c. Major services are available at Leicester Birstall 12.5 miles south, Leicester Forest East 20 miles south and Newark 19 miles north
- d. If a site is needed locally the Stragglethorpe site would appear to be far more suitable
- e. The submitted needs statement is considered to contain misleading/inaccurate information. The site is not directly accessible from the A606 roundabout as implied. Other sites were dismissed given lack of easy access from the A46
- f. The volume of traffic references in the assessment is queried and it is believed that the road is running below 25% capacity and the proposal will result in increased traffic in the area
- g. It states that the need for the site is due to existing facilities being historic and if this is the key reason then the existing facilities should be modernised as has been done at the Shell garage in Tollerton
- h. It states that HGV provision is limited, this is not the case with facilities available at Newark, Leicester Birstall and Leicester Forest East.
- i. It seems inappropriate to dig up a green field when other developed sites are available
- j. The site sloping towards Hickling Pastures will result in noise being directed towards existing properties, noise from comings and goings and chiller units have not been taken into account in the noise assessment.
- k. The RSA would be elevated and in view from Hickling Pastures and on approach from the A606, it would be out of keeping with the rural setting and a blot on this section of the rural Widmerpool Wolds.
- l. The immediate area is well used by cyclists. Having additional traffic and HGV's would increase the hazard for cyclists
- m. Facilities offering overnight parking are renowned for increases rates of crime, the crime associated with the proposal will spill out as break-ins and vandalism
- n. The proposal will lead to an increase in litter in the area
- o. This end of Hickling Pastures already suffers from surface water issues. The increase in hard surfacing will exacerbate run off into the Hickling and Fairham brooks, which are known to flood downstream in Widmerpool. We are concerned how 23,450 litres of foul water will be treated before it is discharged into Fairham Brook.
- p. The proposal will result in competition for existing local businesses

12. Widmerpool Parish Council (as adjacent Parish Council) - Object

- a. The development will be contrary to Policy 22 and is considered it would be visually damaging to the appearance and character of the landscape. The lighting and 24 hour operation would damage the rural character of the area and introduce additional traffic, noise and potential anti-social behaviour.
- b. The proposal will increase flood risk. The extent of hard surfacing will accelerate the discharge of surface water and increase the risk of flooding in Widmerpool. There is a history of flooding in Widmerpool but no downstream flood risk assessment has been undertaken, this is a great concern particularly as the proposed measures to manage site discharge volumes are not guaranteed to work. The PC previously raised concern about the effectiveness of the attenuation ponds off the A46 and we have had 16 EA flood events. The site is proposed to create an additional 2,300 litres of foul water a day, this clearly will significantly increase the flow rates downstream. We request a response from Severn Trent and clarification on where the water will flow.

- c. The need analysis is considered to be more relevant to the investors than the public. There is no need for a motorway services in this countryside location, there are other facilities along the A46 that could be sensitively developed with less disruption. We do not consider there is a genuine need for this facility, and it would only have negative consequences for the local community
- d. This development could set a precedent for future development.

Further comments based on re-consultation

- e. We reiterate our objection regarding drainage and water overflowing into Fairham brook which will be detrimental to Widmerpool.

13. Keyworth Parish Council (adjacent Parish Council) – Object

- a. The proposal will damage the environment and there will be a lack of biodiversity net gain. If approved the site should be surrounded hedges.
- b. There will be an increased traffic implications as the roundabout at the A46/A606 will become busier

14. Upper Broughton Parish Council (adjacent Parish Council) – Object

- a. The proposal is inappropriate development in the open countryside and unsustainable
- b. The applicant references policy 22 of the local plan; we do not consider that the proposal can be classified as small-scale employment. The proposal does not appear to meet the criteria relating to small scale employment and is therefore contrary to policy 22.
- c. The proposal is not considered to be sustainable, given the only means of access is by car

Further comments following re-consultation

- d. Our position remains unchanged
- e. In accordance with policy 22 of the local plan we do not consider that the proposal can be considered as small-scale employment and we consider it to be contrary to policy 22
- f. We do not consider the proposal, given its countryside location to be sustainable

15. Kinoulton Parish Council (adjacent PC) – Object

- a. Countryside is not a sustainable location for development
- b. The needs assessment should look in greater detail at alternate sites and clarify why a 1 directional location is excluded when other such facilities exist. All green field sites including green belt should be considered
- c. The proposal states it will create 40 jobs, but in a location served by a very limited bus service
- d. The Hickling NP identifies the site as within the open countryside and places an emphasis on tranquillity and wellbeing
- e. The proposal will increase sewerage effluent into an area not connected to the mains sewer network
- f. The proposal will move a crossing point closer to the roundabout which is well used by school children

- g. The noise assessment appears to make no reference to noise created by additional vehicles using the roundabout, which is located close to an existing residential care home
- h. Based on the transport assessment at peak hours 102 more vehicles are likely to be using the roundabout and 126 between 12 and 1. At peak hours there are already delays and what are the implications of further vehicles using the roundabout?
- i. The traffic assessment was undertaken in 2021, shouldn't 2022 data be used which had less emphasis on covid and working from home?
- j. The light assessment appears to suggest the proposal will result in less light than existing, how is that possible?
- k. What grade is the existing agricultural land? Development should be undertaken on less valuable agricultural land
- l. Whilst the application details that biodiversity net gain will be provided, how will this be managed?

Further comments following re-consultation

- m. The additional information is noted but does not alter our initial objection

### **Statutory and Other Consultees**

16. Melton Borough Council (as neighbouring Local Authority)

No comments to make

17. The Borough Planning Policy Manager – No objection

- a. 'At the heart of the NPPF and Policy 1 of Local Plan Part 1 is a presumption in favour of sustainable development. The NPPF seeks to proactively drive sustainable economic development and advises that significant weight be placed on the need to support economic growth through the planning system.
- b. Paragraph 109 of the NPPF states 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.
- c. The Department of Transport Circular 2/2013 states that roadside facilities perform an important road safety function by providing opportunities for the travelling public to stop and take a break in the course of their journey. Government advice is that motorists should stop and take a break for 15 minutes every 2 hours. Drivers of many commercial vehicles are subject to a regime of statutory breaks and other working time restrictions and roadside facilities assist in complying with such requirements. It advises that the maximum distance between such services on Trunk roads should be the equivalent of 30 minutes driving time. The draft replacement circular advises that such facilities for HGVs should be provided within a 20 minute drive time (I estimate that this would equate to every 20 miles or so).
- d. The applicant has submitted a needs assessment. The needs assessment concludes that there is a significant under-provision of roadside facilities along the A46 when considering Government advice on drive times. In addition it identifies that outside of the main urban areas, there are limited opportunities to charge electric vehicles by the highway, and that subject to viability, it is the intention of the facility to incorporate electric charging

points. The needs assessment has also assessed alternative locations, which they consider to be unsuitable on a number of grounds including proximity to existing service stations and HGV parks, the cost of providing access, accessibility to two way traffic, green belt, not serving the A606 crossflow and site size constraints. The overall structure of the needs assessment appears to be comprehensive if the conclusions are correct within it.

- e. The proposal identifies some possible uses that are main town centre uses. The NPPF and policy 27 of Local Plan Part 2 requires sequential assessments for main town centre uses outside of town centres. In addition the development would be above the Borough Councils locally set threshold of requiring an impact assessment. It is however recognised that such provision of an appropriate scale would be required as part of a roadside facility, as roadside facilities can only be provided on the strategic road network. What should be avoided however is for such facilities to become a destination in its own right.
- f. In relation to the sequential test, it is noted that none of the alternative sites that are contained within the needs assessment are within or adjacent to any town centres. In addition, the closest settlements that contain main town centre uses (at Keyworth and Cotgrave) are located away from the A46 and A606 corridors. In relation to the impact assessment, it would be beneficial for the application to be supported by evidence that the impacts on the proposal wouldn't harm the viability and vitality of the two local centres at Keyworth and the local centre at Cotgrave. Any evidence should be proportionate to the scale and nature of the proposal
- g. As part of the planning balance, it has to be recognised that roadside facilities can only be provided where the main road network runs, and that roadside facilities are often located in a countryside location (Policy 22 of Local Plan Part 2 and Policy H1: of the Hickling Neighbourhood Plan). In addition, there are a number of properties reasonably close to the site at Hickling Pastures. Consideration should also be given to any impacts on the amenity of these properties, as well as the overall design of the scheme under policy 10 of Local Plan Part 1 and policy 1 of Local Plan Part 2. Also, as part of the planning balance consideration needs to be given to impacts on the landscape, and development proposals are required to deliver a net gain in biodiversity. Policies 16 and 17 of the Core Strategy are of relevance. Policy H3 of the Hickling Neighbourhood Plan is also of relevance. Policy H3 states that "Planning applications for industrial, commercial, large-scale agricultural, leisure or recreation and sporting activities will only be permitted where it can be demonstrated that they will not result in any significant loss in local tranquillity. Development requiring floodlights, security lights and street-lights resulting in excessive, misdirected or obtrusive uses of light will not be permitted."
- h. To conclude, the site lies within the countryside where policy 22 of Local Plan Part 2 would apply. If it is considered that the need for the facility outweighs the impact of the proposed development on the countryside, and having regard to other relevant policies within the plan as outlined, there is no planning policy objection to the proposal.

#### Comments based on further information provided by the applicant

- i. Having reviewed the information in relation to retail impacts their explanation of what is being provided and their potential impacts look

logical to me. If in the planning balance you were minded to recommending granting planning permission for the proposal, it maybe worth investigating whether similar proposals across the country have used appropriate conditions in relation to the types of goods sold from any units.'

18. The Borough Environmental Sustainability Officer – No objection subject to condition

- a. The supplied Protected Species (Badger) Survey report has been carried out appropriately. If works begin after March 2023 an update to the Protected Species (Badger) Survey should be carried out within 2 weeks of the works commencement and any recommendations implemented, this can be conditioned in any planning permission.
- b. A Biodiversity Net Gain Plan should be supplied and implemented in the long term and a plan for monitoring supplied and implemented. This should be a condition of any planning permission.
- c. The provision of the revised Biodiversity Net Gain calculation which indicates a 26% overall gain, in the long term (30 years plus) will need to be a condition of any planning permission and must be funded by the developer and monitored over its life (monitoring should also be a condition).

19. The Borough Landscape and Design Officer – No objection subject to condition

- a. The landscape scheme for the site is an appropriate mix, sizes and number and The tree protection plan has been amended to protect not just the trees on the site boundary, but also all the retained boundary hedges which are equally important. It is also positive that a new section of hedge is now proposed on the roadside in the north eastern corner of the site
- b. The LVIA assessment presents an accurate representation of the impact on landscape character and visual impact. Whilst it notes a total site change in landscape character, given the proximity of the site to 2 major roads the site is considered less sensitive to change and due to the surrounding topography there is little impact on the wider landscape setting. The LVIA assessment demonstrates that the only PROW to be affected is limited to Hickling FP8 to the east of the site where views are limited and often screened and will be further mitigated by the proposed landscape scheme. Road users are low sensitivity and whilst there will be a large change this is not considered to be significant.

20. The Borough Environmental Health Officer – No objection

Further supporting information in relation to noise and light pollution have been received and reviewed. Precise details relating to the following shall be secured by condition: unexpected contaminants, construction management and precise details regarding HGV overnight electric hook up's.

21. Nottinghamshire County Council as Local Highways Authority (LHA) – No objection subject to condition

- a. The proposed access was subject to a Road Safety Audit.

- b. The proposed development would be accessed from the A606 and would predominately generate diverted vehicle movements from the A46 and the A606. The application was accompanied by a Transport Assessment which the scoping report was also agreed with the Highway Authority.
- c. The applicant has carried out a five-year period accident data analysis in the vicinity of the site on crash map and it shows there are no issues with road safety that would be exacerbated by vehicle movements associated with the development.
- d. Parking meets the NCC standards.
- e. Sustainable Modes of Transportation: The nearest bus stops to the site are approximately 500m to the southeast on Melton Road. There is a narrow footway on the southwestern side of the A606 Melton Road along the boundary of the site from the southeast of the site, terminating approximately 100m from the roundabout with the A46. At this point there is a dropped crossing with tactile paving to allow users to cross to a shared use path for pedestrians and cyclists on the other side of Melton Road. The applicant is proposing to widen the footway to about 3m on the frontage of the site on Melton Road.
- f. Proposed Access: The proposed development would be served from a new site access junction on the A606 Melton Road. It will be a priority junction with a ghost island right turn into the site arrangement. It is proposed that speed limit on A606 Melton Road will be reduced from 60m/hr to 40m/hr in the vicinity of the site. The circulation and accessibility of the site is suitable for the types of vehicles that will regularly access the site.
- g. Traffic Flow Assessment: The applicant has assessed the proposed new access junction using Picardy, which demonstrates it operates well within its design capacity in all scenarios. The A46/A606 roundabout has also been assessed using ARCADY and the outputs shows the junction will operate within its' design capacity, with a maximum queue of six and a Ratio to Flow Capacity (RFC) of 0.85 on the A46 northbound off-slip in the 2032 morning peak assessment.

22. National Highways – No objection subject to condition

An initial holding objection was raised. Further supporting information has been provided to clarify points relating to geotechnical, lighting and drainage matters. An advisory is recommended to ensure lighting does not result in glint and glare from the A46.

23. Nottinghamshire County Council as Archaeology Advisors – No objection

Based on the trenching work undertaken we are satisfied that the site is of no archaeological interest and no further work/conditions are required.

24. Nottinghamshire County Council as Lead Local Flood Authority (LLFA) - No objection subject to condition

A detailed surface water drainage scheme based on the principles set out in the flood risk assessment and drainage strategy shall be submitted and agreed by the LPA

25. Environment Agency – No objection

Comments based on further information submitted:

The proposed foul drainage option of a package treatment plant discharging to ground via a constructed drainage mound, as detailed in the Foul Drainage Assessment uploaded 23/12/22, is an acceptable solution for this site. As the applicant is aware, the proposed discharge will be subject to an Environmental Permit from the Environment Agency. Approval of Planning Consent does not guarantee that a permit application will be successful.

26. Trent Valley Internal Drainage Board – No objection

The site is outside the IDB's district

27. Police Architectural liaison – No objection

**Local Residents and the General Public**

28. Some 170 letters of representation have been received in relation to the development proposals. Some 13 comments of support have been received, with 2 neutral comments and 155 objections. The points made in these comments are summarised below:

29. Comments in support:

- a. Being able to have a service station/shop close by will make all the difference in commuting for essentials or filling up on fuel, allow the village to have access to amenities within 2 minutes.
- b. Clients of local businesses will be able to access food, drink & fueling services
- c. Act as a good landmark of direction for clients to find local business.
- d. This new petrol station would add so much value to the area as well as having such essential amenities so close by.
- e. Would allow children to walk to a shop and gain independence.
- f. A good addition to the infrastructure of the local area, because it is adjacent to the A roads, it will have minimal impact on the villages and the village roads
- g. The location provides minimal visual impact for local residential dwellings. Whilst the site is located in a rural setting, I find it hard to argue that the site would be considered anymore of an eyesore than the flyover itself currently is.
- h. Since the introduction of the biomass site, just south of the junction, there has been an increase in HGV traffic surrounding the junction. Though this has only highlighted the current infrastructure's ability to handle increased traffic. With other junctions located just north and south that can suitably supply the surrounding villages with an additional 2-3 minutes to a journey. These are currently under utilised considering the investment made to produce them and I would encourage locals with concerns of traffic to make greater use of these.
- i. The area surrounding the proposed site is currently street lit. With the increased popularity of exterior/show lighting on houses within the local villages and the decision to increase hours of street lighting in local villages, would imply the impact of light pollution to be fairly minimal.
- j. Currently local convenience infrastructure diverts traffic into surrounding villages. With the proposed site, traffic will instead be diverted out of villages onto major A roads which can better handle peak traffic flow.

- k. The site will introduce local EV charging points. With the biomass site, wind and solar farms recently constructed in the local area, the development of a renewable infrastructure shows promise.
- l. Rainwater harvesting will decrease the demand on the brook which runs under the current junction. Recently this has had increased water flow from rainwater runoff. The onsite storage will increase lag time whilst reducing peak flow, decreasing the chance of flooding downstream.
- m. Currently HGVs are forced to park in local lay-bys on the A46. This has recently caused an accident and highlights the danger involved with this type of parking. The introduction of off-road HGV parking will decrease risk for all types of road users.
- n. The site will create employment

30. Comments objecting to the proposal have been summarised into the following headings:

31. Principle of Development

- a. The proposal is unnecessary there are numerous 24hour local fuel stations less than 10 minutes away and HGV parks situated less than 20 minutes away
- b. The proposal is not aligned to Rushcliffe Borough council policies
- c. There is no fundamental 'need' for this development and certainly not at the cost of the impact in a rural location.
- d. The proposal has not fully considered the immense impact this will have on the local villagers in terms of disruption, change to our tranquil environment and creating unsolicited stress and anxiety. Many people choose rural locations to live to improve quality of life and improved mental well-being.
- e. The site is an existing Green Field Site
- f. Large lorries and cars pulling into the services 24 hours a day are out of keeping with the locality
- g. This would be the 6th petrol station within a distance of approximately 20 miles on the A46 route.

32. Impact on Existing Businesses

- a. The proposal will take away business from local shops, including Squirrel Stores in Long Clawson;
- b. A development of this size will take business away from the local cafes and businesses in Hickling, Long Clawson and other surrounding villages.

33. Visual impact

- a. Not in character with the attractive quiet rural area that we should be supporting.
- b. This development in this location is disproportionate in scale and totally out of character with its surroundings
- c. The proposal will ruin a rural area and agricultural land
- d. Huge negative visual impact of the development - particularly on the landscape.
- e. The scale is unreasonable for the rural setting of Hickling Pastures
- f. Inappropriate and unsympathetic design.
- g. Visually ugly concrete

- h. Signage which will be extremely obvious from all angles and again will be totally out of keeping with the rural aspect.

34. Highway safety, cycle safety, traffic/congestion

- a. Increase in vehicles in the area, in particular HGV's
- b. As the turning is on the A606 it will only require 2 HGVs to turn in to the site to create a backup of traffic on the A46/A606 traffic island. This will be dangerous and inconvenient, creating delays for village users approaching the island from Kinoulton and Hickling Pastures, and potentially creating a higher likelihood of accidents on the roundabout and A606.
- c. Children use the pathway coming home from school and cross the A606 to the south side they would then have to cross the entrance road to the roadside Service Area, this would be potential danger to them.
- d. Cycling route - Bridegate Lane is key access for many cyclists to the Vale of Belvoir. It is already a dangerous route but, as there are limited alternatives, cyclists use it frequently. Having additional traffic and HGVs turning here is increasing the hazard for recreational cyclists wanting to access the Vale as well as those commuting to and from work.
- e. Increased danger for cyclists, children, dog walkers, horse riders and local residents who use the road on a daily basis.
- f. The only access to the site is from the A606 which will cause a considerable traffic hazard, both during the construction phase, and subsequent normal use. No access is possible from the A46 itself
- g. The proposal will result in difficulty for local residents trying to exit the village with increased traffic flow
- h. More lorries will end up using the A606. More will get stuck under the bridge at Tollerton, the road is not suitable for heavy lorries.
- i. Increase in traffic on a stretch of road that already experiences speeding vehicles and a roundabout that has awkward exits.
- j. Increase of motor bikes who already use the A606 road as a racetrack round to the A46.

35. Flooding/Drainage/Foul Water Disposal

- a. Semi-permanent flooding seems to be an on-going issue on this section of road and fatal road accidents have occurred due to excess standing water at this point on the A46. The ground is clay and water does not soak-away. The A46 is prone to hazardous flooding on the southbound slip-way in the vicinity of the proposed application. The increase in hard surfaces and reduction in biomass to absorb the moisture will exacerbate the issue.
- b. The hard surface will accelerate the discharge of surface water and (treated) foul water directly into adjacent minor watercourses and into Fairham Brook, all identified by the Environment Agency as Flood Risk 3 - High. Fairham Brook connects directly with Widmerpool, which has a history of flooding.
- c. No downstream flood risk assessment has been undertaken, nor any consultation with downstream riparian owners. Proposed measures to manage site discharge volumes through the construction of swales, attenuation pools are not guaranteed to work. There is an ongoing problem with surface water flooding at the junction of Keyworth Road/Station Road in Widmerpool with the consequent risk to road and pedestrian safety. Whilst measures have been taken to mitigate this problem, the improvements have yet to be tested under storm conditions.

- d. River and sea pollution from raw sewage, both deliberate and accidental, the prospect of a failure in the Foul Water Treatment plant.
- e. Contaminated water discharge would have serious implications to the farmland bordering Fairham Brook and that there was no reassurance in the proposal that this could be avoided with the measures proposed in the site water treatment facility. There is already a history of flooding in Widmerpool, yet no downstream flood risk assessment has been undertaken, nor any consultation with downstream riparian owners taken place. This is of great concern bearing in mind that proposed measures to manage site discharge volumes are not guaranteed to work. They have failed to work in other locations and the risk assessments have not proven to be robust.
- f. Risk polluting a natural brook (Fairham Brook) and risks escalating the current flooding of the A46 Fairham

36. Amenity – noise, light pollution, refuse, emissions/air pollution

- a. Fumes in the area will increase drastically
- b. Significant adverse effect upon the local properties or the surrounding areas
- c. Floodlight light spill, noise and air pollution, litter and increased traffic are bound to have a negative impact on the wellbeing and health of surrounding residential neighbours
- d. Increased littering, the litter is already a danger to local wildlife and other animals, having food places at the End of the road will just add to this and it will be a never-ending problem.
- e. There is no provision of noise or light screening on the Southern and Eastern boundaries. These are the two boundaries that face the village of Hickling Pastures.
- f. Risks of water pollution via litter, diesel spills, etc
- g. There will be constant noise and light pollution and not to mention HGVs going up and down the road at all hours.

37. Wildlife/Ecology

- a. Unnecessary destruction of the natural environment and significant damage to wildlife.
- b. Really important to keep our green fields and vale villages as farming and green land.
- c. Reduction in living biomass - destroying carbon-capturing vegetation and replacing it with concrete structures.
- d. Reduction in biomass and damage to ecology as more green space concreted over
- e. Endangering the biodiversity, like the protected species and barn owls living here.

38. Crime/Anti-Social Behaviour

- a. Facilities offering overnight parking are renowned for increased rates of crime. Widmerpool and Hickling have very low levels of crime. This is unwelcome in motorway services but can be contained by the perimeter fences. In a rural residential area, the crime will likely spill out as thefts, break-ins and vandalism of surrounding properties.

- b. The site being a 24 hour operation would also be a large issue as I feel these sort of sites attract antisocial groups of people throughout the night causing noise i.e. car racing etc.
  - c. I'm concerned that it would be a magnet for antisocial behaviour. Gamston and Edwalton have recently experienced problems with car meets. There are already times when drivers use the A46 and A606 as a racetrack at night. Similarly, it would also provide a good hub for criminal activity.
39. Nottingham Astronomy Society – The proposal will detrimentally impact upon the sky quality as viewed from the 's observatory and in particular in relation to the Dark Sky.
40. Further comments received based on re-consultation following receipt of additional supporting information from the applicant:
- a. The roundabout is insufficient for the proposed lorries and we don't need this garage with existing facilities in Cotgrave and Tollerton. Stragglethorpe would be a much better location for this development, there is ample land and a slip lane could be constructed.
  - b. The existing road isn't wide enough for another lane
  - c. There are no proper drains and the road particularly in winter floods.
  - d. Sending consultations to locals and then not listening to valid points is a bit of an insult.
  - e. The development will affect properties in the local area. The lorry parking will likely cost around £30 and space is limited so drivers will likely just park on any convenient side road.
  - f. The A606 also attracts car cruising in the early hours and this project would be a magnet for such behaviour.
  - g. Too much green belt land is being taken up by development and we need to be more self-sufficient instead of importing food
  - h. There are services north and south, has an assessment being undertaken to see if there is a demand?
  - i. The alternative site assessment is not factually correct. Land adjacent to the existing Applegreen site is available, with both land owners willing to discuss selling to allow the expansion of the site. Furthermore, the land is identified in the Greater Nottingham Planning Partnership Site Selection report as a site for potential strategic development for logistics.
  - j. I am confused by some residents comments that the site is within the Green Belt, it isn't. Some sites being suggested by residents are within the Green Belt, Green Belt should be respected and not further developed.
  - k. My concerns are cyclist safety, air quality, expected increase in traffic, in particular given the mezzanine floor that is being incorporated.
  - l. The developer has put forward some cosmetic alterations but nothing significant has changed. As the majority of commenters have said, the site is prominent and a terrible location for the proposal, there are better sites on the A46.
  - m. Stragglethorpe is detailed as not being capable of supporting more than 8 Tesla superchargers, these are power hungry and only suitable for Teslas. It would be helpful to know how many type QC45 chargers Stragglethorpe could support so that the sites can be directly compared.
  - n. The altitude of the site exacerbates how the site will affect the dark sky
  - o. I remain of the view there is no need for this facility. The station at Stanton on the Wolds is being recommissioned and its only ½ from this site. A Greggs has also been opened at Stragglethorpe. The extra traffic coming

- off the A46 at commuter times will cause havoc on the roundabout. At least Saxondale, Stragglethorpe and the petrol stations further down the A46 are directly accessed from the A46
- p. I support this. I don't think it will have much impact on surrounding villages and will provide much needed amenities to drivers on the A46.
  - q. Wood cladding will not change the buildings. Trees will not hide the services in winter or reduce noise or light pollution.

## PLANNING POLICY

- 41. The Development Plan for Rushcliffe consists of the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014) (LPP1) and the Rushcliffe Local Plan Part 2: Land and Planning Policies - adopted October 2019 (LPP2) and the Hickling Neighbourhood Plan (2022). Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide 2009.
- 42. The full text of the Council's policies are available on the Council's website at: [Rushcliffe - Planning Policy](#)

## Relevant National Planning Policies and Guidance

- 43. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Planning policies and 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. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three dimensions to sustainable development, economic, social, and environmental.
- 44. The relevant sections of the NPPF are:
  - Section 2 – Achieving Sustainable Development
  - Section 6 – Building a strong, competitive economy
  - Section 7 – Ensuring the vitality of town centres
  - Section 9 – Promoting sustainable transport

In particular para 109 which states:

*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. Proposals for new or expanded distribution centres should make provision for sufficient lorry parking to cater for their anticipated use*

- Section 11 – Making effective use of land
- Section 12 – Achieving well design places
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

Full details of the NPPF can be found [here](#).

45. Conservation of Habitat and Species Regulations 2017, and the Wildlife and Countryside Act (as amended) 1981 - These regulations/legislation contain certain prohibitions against activities affecting European Protected Species, such as bats. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive and Regulations provides for the derogation from these prohibitions in certain circumstances.
46. Natural England is the body primarily responsible for enforcing these prohibitions and is responsible for a separate licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.
47. The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England and the “three tests” under the Regulations being satisfied. Natural England will grant a licence where the following three tests are met:
  - 1) There are “imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”;
  - 2) there is no satisfactory alternative; and
  - 3) the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range
48. Environmental Impact Assessment Regulations – The proposed development has been screened in accordance with the Environmental Impact Assessment Regulations 2017, however, as the site does not exceed the thresholds applicable to the relevant category of Schedule 2 development, the Local Planning Authority is of the opinion that an Environmental Impact Assessment need not be required to support this development in this instance.

### **Relevant Local Planning Policies and Guidance**

49. Under the Local Plan Part 1 the following policies are considered relevant:
  - Policy 1 (Presumption in Favour of Sustainable Development)
  - Policy 2 (Climate Change)
  - Policy 5 Employment Provision and Economic Development
  - Policy 10 (Design and Enhancing Local Identity)
  - Policy 11 (Historic Environment)
  - Policy 12 (Local Services and Healthy Lifestyles)
  - Policy 14 (Managing Travel Demand)
  - Policy 16 (Green Infrastructure, Landscape, Parks and Open Space)
  - Policy 17 (Biodiversity)
  - Policy 18 (Infrastructure)

50. Under the Local Plan Part 2 the following policies are considered relevant
- Policy 1 (Development Requirements)
  - Policy 15 (Employment Development)
  - Policy 16 (Renewable Energy)
  - Policy 17 (Managing Flood risk)
  - Policy 18 (Surface Water Management)
  - Policy 19 (Development affecting Watercourses)
  - Policy 20 (Managing Water Quality)
  - Policy 22 (Development within the Countryside)
  - Policy 28 (Conserving and enhancing heritage assets)
  - Policy 29 (Development affecting archaeological sites)
  - Policy 30 (Protection of Community Facilities)
  - Policy 35 (Green Infrastructure Network and Urban Fringe)
  - Policy 37 (Trees and Woodlands)
  - Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network)
  - Policy 39 (Health Impacts of Development)
  - Policy 40 (Pollution and Land Contamination)
  - Policy 41 (Air Quality)
51. Hickling Neighbourhood Plan – adopted January 2022
- Policy H1 (Countryside)
  - Policy H3 (Tranquillity)
  - Policy H5 (Ecology and biodiversity)
  - Policy H6 (Trees and hedges)
  - Policy H9 (local design)

### **Other Material Planning Considerations**

52. National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
53. Government’s Ministerial Statement dated 18th May 2018 – Road Haul; which stated (in part):

*As well as improving the contingency arrangements as to lorry parking, the Government is also focused on improving the situation for business-as-usual lorry parking. We have published the results of an in-depth survey carried out on the national picture of overnight lorry parking in England.*

*The detailed information in the report will help local planning authorities to understand the nature of the issue better, at both a regional and local level. However, it is important to note that developers are already responding to what is currently a mismatch between supply and demand. There are planning applications in the pipeline which it is estimated would, if delivered, equate to over 1,000 additional spaces across the country.*

*Given the evident need for further parking spaces, the Government will be taking three steps on its side:*

*First, Highways England have begun to analyse their landholdings in order to identify sites with the potential to be developed into lorry parks. Initial work suggests that this might facilitate a total of around 1,500 additional parking spaces nationwide. Detailed feasibility work will be undertaken in the next six months.*

*More generally, Highways England intend in future to give increased priority to the provision of lorry parking across the Strategic Road Network. Its initial report for the second Road Investment Strategy period (2020-2025) Highways England proposes funding to support the provision of better roadside facilities, which would include lorry parking. The Department has consulted on this proposal and is carefully considering the responses received.*

*Secondly, I have written with Planning Minister Dominic Raab to local planning authorities to draw their attention to the survey results, which show a strategic national need for more lorry parking and highlight shortages in specific areas.*

*In addition, I am asking Highways England to develop their existing role as a statutory consultee on all proposed developments that are on or that directly affect the strategic road network. In future, Highways England will seek to use their unique network-wide perspective to assist local authorities in actively identifying areas of lorry parking need and potential solutions, including in the context of specific planning applications where these might help alleviate the situation.*

54. Circular 02/2013 – Strategic Road Network and the Delivery of Sustainable Development (Now replaced by the ‘Strategic Road Network and the Delivery of Sustainable Development’ Policy Paper dated 23<sup>rd</sup> December 2022)

*Annex B: Roadside facilities for road users on motorways and all-purpose trunk roads in England; deals with the provision of roadside facilities and refers back in paragraph B2 to the NPPF and in particular in relation to its statement concerning the primary function of such facilities. This circular does not impose a specific requirement to consider ‘need’, indeed para 9 of the circular confirms that development proposals are likely to be acceptable where they can be accommodated within the existing capacity of the relevant adjoining road network.*

*The circular recognises the principle that it is for the private sector to bring forward sites to meet the needs of the travelling public. Importantly, the circular confirms that where a national operator promotes a site for the provision of roadside facilities, this action, as of itself, provides a strong indication that the needs of the motorist on that section of the road network are not currently being satisfied.*

55. The ‘Strategic Road Network and the Delivery of Sustainable Development’ Policy Paper dated 23<sup>rd</sup> December 2022 replaces the above Circular 02/2013. This document is the policy of the Secretary of State in relation to the SRN which should be read in conjunction with the National Planning Policy Framework (NPPF) and other development plan policies and material considerations.

56. This paper sets out that the maximum distance between signed services (general purpose facilities) on All Purpose Trunk Roads (APTR’s) should be

the equivalent of 30 minutes driving time. The paper also confirms that in determining applications for new or improved sites, local planning authorities should not need to consider the merits of spacing between different facilities, for safety reasons, as informed by the maximum recommended distances set out above.

57. In relation to freight, the document sets out that on certain parts of the SRN and at certain times a shortage of parking facilities for HGVs can make it difficult for drivers to find safe space to stop and adhere to requirements for mandatory breaks and rests. To alleviate the shortage, the expansion of existing facilities on the SRN is likely to be needed alongside the creation of new parking sites. The document goes on to highlight that the maximum distance between APTR facilities providing HGV parking (being service areas or truckstops) should be the equivalent of 20 minutes driving time for HGVs.

## **APPRAISAL**

58. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
59. The main issues in the consideration of the application are: the principle of development, impact on the character of the area, impact upon highway safety, impact on amenity, impact on drainage/flood risk, impact on ecology/trees and impact on the historic environment.

### Principle of Development

60. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 of the NPPF advises that there is a presumption in favour of sustainable development and for decision-making this means approving development proposals that accord with the development plan without delay. The NPPF is a material consideration in planning decisions.
61. Paragraph 109 of the NPPF states that planning policies and decisions should recognize 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. This is echoed in the highlighted circular, policy paper and ministerial statements above.
62. The site is located in the open countryside where policy 22 of the Local Plan Part 2 and policy H1 of the Hickling Neighbourhood plan provide the following guidance. Paragraph 1 of policy 22 references development beyond the edge of settlements being identified as countryside and being conserved and enhanced for the sake of its intrinsic character and beauty. The site is located on the edge of Hickling Pastures, with the closest residential property being approximately 180m to the south of the southern site boundary. Hickling

Pastures is not itself considered to form a settlement instead representing an area of ribbon development situated either side of the A606, where historically in-fill development has been resisted. Paragraph 2a of policy 22 references countryside development will be acceptable for, amongst other things , “uses requiring a rural location.”

63. The Department of Transport Circular 2/2013 and new updated policy paper states that roadside facilities perform an important road safety function by providing opportunities for the travelling public to stop and take a break in the course of their journey. Government advice is that motorists should stop and take a break for 15 minutes every 2 hours. Drivers of many commercial vehicles are subject to a regime of statutory breaks and other working time restrictions and roadside facilities assist in complying with such requirements. It advises that the maximum distance between such services on Trunk roads should be the equivalent of 30 minutes driving time. The updated policy paper advises that such facilities for HGVs should be provided within a 20 minute drive time.
64. The applicant has submitted a needs assessment and a follow on more detailed alternative site assessment and further addendum, in support of the application. The applicant identifies that there is a gap in provision of high-quality RSA facilities; with a particular focus on provision of HGV parking areas and electric vehicle charging points on the A46 between the A606 and A6097 (East Bridgford/Epperstone by pass) junction. Land further to the north and south of these interchanges is too close to existing major RSA's at Newark and Thurcaston respectively and has therefore not been considered.
65. The site assessment considers the availability of alternate sites within proximity to existing junctions on the A46 and within 20-30 minutes/20-30 miles of the proposed site. Any sites within proximity of existing sites are discounted as they are considered to compete with rather than meet an identified gap in provision of services. Sites below 4 acres have been discounted due to the needs to provide all necessary facilities to meet the needs of all road users. Sites within the Green Belt have also been discounted due to the clear government guidance regarding the principle aim of Green Belt being to preserve openness. The analysis has identified 9 alternate sites for consideration and also considers expansion at the Shell Garage at the Saxondale roundabout given this is an existing facility and has been raised numerous times by local residents, albeit located in the Green Belt:
66. Land to north east of A46/A606 Hickling roundabout

The site is of a suitable size, with good connections and service provision. However, the site is an identified Local Wildlife Site (LWS); Crossroads Meadow, a species rich hay meadow. Clearly development as proposed would result in the loss of this local interest site and the site is therefore not considered to be a credible alternate.
67. Land to the west of the A46/A606 Hickling roundabout

The site like that to the north east is of a suitable size and also within open countryside so similar policy considerations to the site that forms the basis of the application. however, it would be within 40m of existing residential

accommodation that is the Belvoir care home. Given this proximity and the requirement for 24 hour operation the proposed site is not considered to be a credible alternate.

68. Land to the south east of A46 Kinoulton junction

The site is considered to be of a suitable size but has high voltage power lines partially crossing the site, thus reducing potential developable area to circa 2 acres. The location is also considered to be sub-optimal, given the requirement to divert to gain access. The location and proximity of overhead power lines are considered to result in the site not being a credible alternate.

69. Land to the north east of the A46 Kinoulton junction

The site is of a suitable size but would likely require a direct access to the slip road which is not considered to be acceptable in design terms. Access directly from the roundabout has been considered, however it is not considered that suitable visibility splays could be achieved. Due to access constraints the site is not considered to be a credible alternate.

70. A46 Applegreen filling station Stragglethorpe junction

The site is considered to be below size requirements. Additional land would be required to the south and west to achieve a suitable size and the site as a whole is within the Green Belt. The applicant has also indicated that access for northbound traffic would be somewhat convoluted, having to navigate two separate roundabouts to access the site.

The further comments from Parish Cllr Rowe are noted in relation to the site being identified in the Greater Nottingham Site Selection report and further comments have been received from the applicant and planning policy colleagues in relation to this.

Policy colleagues have commented that: 'the document referred to is an evidence document that was prepared to help assess suitability of sites that have been promoted by landowners/developers. The inclusion of a site in the document does not indicate in any way that the land is suitable for development and the document is not part of the existing or emerging development plan'

The applicant has further responded to highlight the following: National Grid have indicated that significant infrastructure works would be required to upgrade the electrical supply to this site and this would only permit up to 8 EV charging stations. Due to these abnormal costs and that they would only result in 8 charging stations the expansion of the site is financially not viable.

In conclusion, notwithstanding potential land acquisition and infrastructure constraints, the land is also Green Belt and therefore not considered to be a credible alternate.

71. A46 Saxondale roundabout former weighbridge

The site is only 2.7 acres and largely covered in trees. The site is also in close proximity to dwellings on the edge of Bingham. The applicant has stated that the site is owned by National Highways and unlikely to be available for

development. Given the size and siting it is not considered that the site represents a suitable alternate to that proposed.

72. Shell garage Saxondale roundabout

The existing site and all adjacent land is located within the Green Belt. Land to the west is planted to provide some green relief between the A52 and A46 and land to the north east in close proximity to residential properties on the edge of Bingham. Given Green Belt, ecological and noise constraints the site is not considered suitable for expansion to provide the full range of services proposed as part of an RSA.

73. Land north east of A6097 junction at East Bridgford

The site is not considered to be suitably located, requiring a 2km diversion for south bound traffic and two roundabouts to be negotiated for northbound. The site is also designated for potential archaeological interest with a scheduled ancient monument identified in close proximity (Margidunum Roman Station). The site is therefore not considered to represent a suitable alternate to that proposed.

74. Land south east of A6097 junction at East Bridgford

The site has the same access and archaeological constraints as the land considered to the north east. The site is therefore not considered to represent a suitable alternate to that proposed.

Conclusion

75. The needs and alternative site assessment both conclude that there is an under-provision of roadside facilities along the A46 when considering Government advice on drive times. 2017 data published in the National Survey of Lorry Parking undertaken by the Department of Transport confirms that many of the sites within the region are fully used (Leicester Forest East MSA was trading at 102% of capacity, Leicester North Services at Thurcaston and Thrussington services were both trading at 100% of capacity). The fact that these sites are all trading at capacity supports the view that existing HGV provision on this stretch of the SRN is inadequate.

76. In addition, it identifies that outside of the main urban areas, there are limited opportunities to charge electric vehicles by the highway, and that subject to viability, it is the intention of the facility to incorporate an initial 20 electric vehicle charging points, which shall be secured by condition. The applicant has also indicated that the RSA building has been designed to incorporate a 1<sup>st</sup> floor mezzanine level which can be utilised as a lounge for EV drivers. As EV uptake increases and technology advances the applicant has indicated that the site has sufficient electrical network capacity for a further 10 charger points.

77. The application must be determined on its merits. The applicant has in the interests of transparency sought to respond to comments received by local residents and has considered 9 alternate sites within a 20-30mile radius of the area of identified need. As summarised above none of the sites reviewed are considered to be preferable to that which forms the basis of this application. Accordingly it is considered that there is an identified need for the provision of

a primary roadside services facility within the locality, with such a facilities location by its nature dictated by the established road network, the locations of need and individual site opportunity and constraints. Given the discussion above regarding alternative site options and specific site design requirements, it is considered that the need for such provision in this rural location can be justified in principle.

### Retail Consideration

78. The proposed RSA is a mixed-use, sui generis development with aspects of retail, restaurant (including drive thru's) and amenity facilities. The NPPF defines main town centre uses as:

*Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities) (page 68 – Glossary)*

79. The NPPF confirms that LPAs 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. This is backed up within policy 6 of the Local Plan Part 1: Core Strategy, and policy 27 of the Local Plan Part 2: Land and Planning Policies. It is noted that the undertaken needs assessment does not identify any locations that are within an existing settlement and as acknowledged above the location for the proposal is driven by an identified shortage in roadside service areas and the location is thereby limited to sites within close proximity to the A46. The evidence presented within the needs assessment and follow-on alternative site assessment is considered to be robust and as advised by the Borough Planning Policy Officer the development is considered to pass the sequential test.

80. The Borough Policy Officer has confirmed that the scheme would exceed the local threshold of 500sqm of 'main town centre uses' set under policy 27 of the LPP2, and therefore that a 'proportionate' retail impact assessment would be required, namely in relation to the potential impacts on existing retail centres in Cotgrave and Keyworth. The applicant's retail note concludes that:

*"The proposal is intended to serve the motorist using the adjacent highway network, with a narrow range of goods and services that motorists need on their journey. The villages are intended to serve the local population with a range of goods and services to meet their day to day needs, as comprehensively as the level of patronage allows. As a result the offers of the two types of location are very different, with a much more restrictive range of goods and services at the proposed roadside service area, and less attractive pricing levels in comparison to the villages. There is, therefore no potential for material trade diversion from the villages to the proposed roadside service area."*

81. The Borough's Policy Officer has accepted the findings of the retail note and suggested that should permission be forthcoming then it may be reasonable to

consider the restriction of goods sold in order to ensure the merits of the scheme remain valid for the long term. A condition to restrict the uses to those identified on the proposed floor plans, and prevent the subdivision or amalgamation of units is considered appropriate in order to prevent the merits of the retail note and scheme justification from diverging. Subject to this, it is considered that the development would accord with policy 6 of the LPP1 and policy 27 of the LPP2.

82. Overall the proposal represents a mixed-use development in an open countryside location and in accordance with the assessments and recommendations above it is not considered that the proposed RSA would become a destination in its own right. It is however recommended that a phasing condition be attached to any consent granted to ensure that the RSA and coffee shop building are delivered together as part of the wider RSA development.
83. Notwithstanding the employment generated by the construction of the site, the planning statement submitted in support of the application 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.

#### Loss of Agricultural Land

84. Policy 1 (Development Requirements) of the LPP1 states that permission for new development will be granted where “development should have regard to the best and most versatile agricultural classification of the land, with a preference for the use of lower quality over higher quality agricultural land.” Criterion 12 of LPP2 Policy 1 states that “development should have regard to the best and most versatile agricultural classification of the land, with a preference for the use of lower quality over higher quality agricultural land. Development should also aim to minimise soil disturbance as far as possible”.
85. The Framework’s Glossary defines Best and Most versatile (BMV) agricultural land as being land in grades 1, 2 and 3a. The applicant within their planning statement has clarified that the land is grade 3 (good to moderate). As outlined in the above site appraisal, appropriate locations for the proposed development are restricted to land within proximity of an identified shortage and by the very nature land within proximity to the A46 is largely in agricultural use. The land is not considered to be excellent or very good and as such the loss of a small parcel of agricultural land in this instance is considered acceptable, subject to the below further considerations.

#### Impact on the Character of the Area

86. Policy 10 (Design and Enhancing Local Identity) of the LPP1 states;
- “all new development should be designed to make:*
- a) a positive contribution to the public realm and sense of place;*
  - b) create an attractive, safe, inclusive and healthy environment;*
  - c) reinforce valued local characteristics;*
  - d) be adaptable to meet evolving demands and the effects of climate change;*
- and*
- e) reflect the need to reduce the dominance of motor vehicles.”*

87. Policy 1 (Development Requirements) of the LPP2 states that permission for new development will be granted where *“the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area”*. Policy 22 (Development within the Open Countryside) states amongst other things that “Developments in accordance with point 2 will be permitted where:
- a) the appearance and character of the landscape, including its historic character and features such as habitats, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness is conserved and enhanced”*
88. In terms of landscape character Policy 16(2)(e) of the LPP1 requires that landscape character is protected, conserved and enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Assessment 2009 (‘GNLCA’). Policy H9 of the Hickling NP states that “All new developments should reflect the distinctive character of Hickling or Hickling Pastures as appropriate”
89. The NPPF at chapter 12 (Achieving well-designed places) advises that *“the creation of high quality beautiful and sustainable 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.”*
90. The site is an agricultural field not dissimilar in appearance to those situated to the south and east of the site, however specific to this site is the relationship flanked by the A46 to the west and A606/A46 roundabout to the north. As such, whilst being agricultural in appearance the site context is heavily influenced by its close proximity to existing road infrastructure.
91. As demonstrated in the submitted Landscape and Visual Assessment (LVA) the proposed provision of an RSA would fundamentally result in a high magnitude of change through the introduction of hard landscaping, buildings and associated infrastructure into what is currently a green and open site. However, it is considered that the impact of this change would be relatively localised given the scale of overall development proposed on the site, general site topography and proximity of existing road network. The applicant has sought to mitigate views through retaining existing landscaping where feasible and providing further planting in order to stock up and enhance the retained site boundaries and soften views into the site. As illustrated on the site plan soft landscaping is retained and enhanced around the edge of the site with a mix of treatments proposed; scrub planting, hedging, meadow mix and additional tree planting, all with a native planting focus most appropriate to the sites rural environment. Two attenuation ponds are also proposed on the southern boundary which would be planted as well as further swale areas to the same site boundary. The applicant has confirmed that the ponds would be designed to retain water to remain permanently wet as both an ecological and amenity benefit.
92. In relation to built form on the site; the applicant has through the course of the application provided a design review document in support of the proposal, with

further revisions also undertaken. The design approach for the site is contemporary, but focus has been placed on seeking to ensure that the buildings would have interest and not just be functional in appearance. The mass of the main RSA building has been reduced and effort made to break up the height of the building, with the majority at between 5m and 6m and the higher corner element rising to 7.1m. Officers (in discussion with the applicant) sought to understand the need for additional height of the building and it has been clarified that the height on the corner has been introduced to 'future proof' the building design and allow space for incorporation of an electric vehicle charging lounge. Floor plans have been updated to reflect this part of the site. The coffee shop element sits closer to the A606 and would remain relatively modest in scale. Site CGI's have also been submitted to provide a better understanding of the proposed finish of the site.

93. The predominant materials would be timber cladding panels, with contemporary elements of copper beach colour cladding, seeking to emulate a weathered steel clad finish. In discussion with officers' large elements of green wall have also been introduced to further soften the development and ground it within its rural setting.
94. The proposed scheme includes refuelling areas, with separate provisions for HGV's and cars/LGV's. These structures would be typical in their appearance/design but would use a material palette to compliment those proposed for the main buildings on site. The taller HGV fuel canopy would be located furthest from road to the south west of the site on the lowest area of land, with the main car fuelling area to the north of the RSA building, but again set down from visual receptors along the A606 due to requirements to cut the northern parts of the site into the land in order to create a flat development area. The proposed refuse and EV infrastructure compounds would be contained behind 2m high Siberian larch fences and associated landscaping, whilst boundaries towards the A46 (west) would be screened with green painted timber fencing of c.2.4m in height with associated screening landscaping, designed to prevent light spill/glare from vehicular movements from impacting users of the A46. A lower 1.5m green fence screen is proposed to the south of the HGV parking area (as well as landscaping) to prevent general headlight spill from lorry parking to the countryside beyond.
95. The car parking area has been designed to incorporate structural tree and shrub planting as well as providing a functional layout. Where functional infrastructure such as substations, EV charging and tanking is proposed they have been located to areas of the site with more limited prominence and have been mitigated with additional landscaping. Areas of outdoor seating have also been proposed within the site and overall the layout is considered to represent good design that would create a positive environment for future users, whilst minimising harm to existing site views and receptors.
96. CGI views have been provided from the south of the site from both the A46 and A606 which demonstrate that visual impact would be localised and this is acknowledged by the landscape officer in their comments. There is clearly a balance to be struck in terms of the landscape impacts of the proposal and the need for operational purposes for the development to have a degree of visibility in the wider landscape to ensure commercial success. A view from the southbound side of the A606 shows the palette of materials with planting seeking to blend into the wider area. Views from the public right of way are

considered to be limited and the degree of change given intervening vegetation not particularly significant.

97. As a point of note whilst some CGI views showcase advertisement totems, these features do not form part of this application and would require separate advertisement consent.
98. As detailed above it is considered by officers that a need for the development has been established and given the proximity of the A46 the site represents a reasonable location for such development in principle. The applicant has sought to soften the development through consideration of planting, design and material finish and officers consider that views provided are generally appropriate for the proposed development and . To ensure a successful finish to the development precise material finishes shall be secured by condition, in addition to precise hard and soft landscaping and a programme for their implementation. Subject to condition it is considered that visual impact would be localised and the development would not have a significant impact on the wider character of the area.

### Impact on Highway Safety

99. The proposed development has been submitted to address an identified need for service provision for the passing motorist, with the primary aim to support the safety and welfare of road users. The applicant has sought to clarify that the service provision cannot be limited to just refuelling and welfare provision of car drivers alone and the facilities need to cater to meet all road user needs such as:
  - EV drivers
  - Recreational car/van drivers
  - Business car/van drivers
  - Commercial drivers – coach, light goods vehicle, heavy goods vehicle
  - Motorcyclists
  - Cyclists/pedestrians (to a lesser extent)
100. The location of the proposed RSA has been discussed in detail above with the requirement for proximity to the A46 a necessary driver. The proposal would create an approximately 100m long ghost island right turn lane off the A606 for traffic exiting the roundabout and turning into the site. A new footpath from the roundabout, running the full length of the site frontage is also proposed on the southern side of the road, where one currently doesn't exist. 37 spaces are proposed on site for car parking, with 20 electric vehicle charging bays. 15 HGV parking bays are proposed with 2 plug in points for refrigerated vehicles.
101. The proposal has been the subject of pre-application discussion with both NCC Highways and the National Highways Authority (National Highways). The application has been supported by a transport assessment, with the scoping agreed in advance by the highways authorities. The applicant has carried out a 5 year accident data analysis in the vicinity of the site and no highlighted issues with road safety would be exacerbated by vehicle movements associated with the development.

102. Further supporting information has been provided by the applicant in response to comments initially received from National Highways and Pedals. No objections have been raised by NCC Highways Authority or National Highways as statutory consultees subject to a number of conditions being secured to any future decision relating to; provision of a construction method statement, precise finish of the access and informatives relating to control of lighting and appropriate highways agreements being secured prior to works commencing. No further comments have been received from Pedals following the submission of a pedestrian and cyclist safety review by the applicant.
103. Paragraph 111 of the NPPF advises that 'development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.' As discussed above there are no objections from County or National Highway colleagues and subject to condition the proposal is considered to be acceptable from a highway safety point of view and would accord with policy 10 of the LPP1 and the NPPF.

#### Impact on Amenity

104. Policy 10 (Design and Enhancing Local Identity) of the LPP1 states that development will be assessed in terms of its treatment of the impact on the amenity of nearby residents.
105. Policy 1 (Development Requirements) of the LPP2 states that permission for new development will be granted where "there is no significant adverse effect upon the amenity, particularly residential amenity and adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated".
106. The closest residential property to the southern boundary of the site is that at Turnpike farm, approximately 180m to the south. Further residential properties to the south are 200-300m from the boundary of the site. To the north the Belvoir care home is approximately 200m away but separated from the site by the A46 and associated roundabout and slip roads. The physical form and layout of the site would not cause any immediate overbearing, overshadowing or overlooking issues with any neighbouring residents given the intervening distances.
107. The proposal has been reviewed in detail by Environmental Health (EH) colleagues in particular in relation to noise and light spill. Following initial comments raised further clarification has been provided by the applicant and subject to appropriately worded conditions no objection raised.

#### Light pollution

108. The comments received in relation to light pollution have been reviewed and the applicant has provided a lighting assessment undertaken by GW Lighting Consultancy dated February 2023. The report considers potential light pollution from the proposed site in relation to private properties, wildlife and the night sky. The report concludes that whilst there will be a measured increase of illuminance to the southern half of the existing site (closest the existing agricultural land away from the roadway junctions), this will not lead to

significant additional light pollution from the subject site due to the sensitive lighting design proposed.

109. The supporting assessment identifies that the requirement to reduce Sky Glow have been acknowledged and the particular sensitivity of this area has been noted. It identifies that all possible steps have been taken within the specification of the lighting technology employed to have no upward light component (luminaire beam angle below 70 degrees) and in addition zero glare louvres fitted to all floodlight lanterns. Lighting over the pump islands would be fully recessed and all bulkhead lights on structures and illuminated bollards would be fitted with louvres to control the beam angle below 70 degrees). It is identified that it is worthy of note that not only is the LED lighting specified less intrusive to wildlife it is also much easier to control to prevent Night Sky pollution.
110. The comments received from the Nottingham astrological society are noted and the report considers the comments made. The report concludes that 'the due south viewing aspect, acknowledged by the Astronomical Society as the most important, has views towards dark skies. The due south aspect shown on the map, will therefore not be impacted by the proposed development and the dark sky southerly views will be maintained'. The report considers that the proposed lighting will have no adverse impact on the rural amenity or night sky over and above that currently experienced from current baseline conditions in this area and EH colleagues agree that the proposal would not detrimentally impact neighbouring residents by way of light pollution. Officers in discussion with the applicant have sought to introduce fencing on the southern boundary of the site to further mitigate potential light spill from parked up HGV's and the height of the fencing (1.5m) has been informed by site sections to ensure it would be fit for purpose. It is not considered that the proposal would result in undue light pollution and would accord with local plan part 2 policies 1 & 40 and Hickling neighbourhood plan policy H3.

#### Noise pollution

111. The NPPF (Section 15) requires that decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. A noise report has been submitted in support of the application and a follow- on note from the assessors SLR to the initial comments made by EH. The noise report concludes the proposed development would not have an adverse noise impact during the daytime or night-time at any of the identified noise sensitive receptors, on the understanding that HGV's or similar parked at the site do not have engines idling to power refrigeration units. A condition to this effect is therefore recommended to ensure that any vehicle parked up at the site that requires power for refrigeration is plugged into an electrical hook-up to avoid engines idling. Such electrical hook up for refrigerated lorries is shown on the proposed plans and accordingly It is not considered that the proposal would result in undue noise pollution and would accord with local plan part 2 policies 1 & 40 and Hickling neighbourhood plan policy H3.

## Air pollution

112. The NPPF (Section 15) requires that decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. An air quality assessment has been submitted undertaken by SLR consulting Ltd which considers the potential impact on air quality both during construction and once the development is operational. The assessment has been reviewed by Environmental Health colleagues and it is not considered that the proposal would have a significant impact on air quality. It is not considered that the proposal would result in undue air pollution and would accord with local plan part 2 policies 1 & 41 and Hickling neighbourhood plan policy H3.

## Anti-social behaviour

113. Comments regarding anti-social behaviour and those raised by the police architectural liaison are noted. The applicant has confirmed that if approved, the end user: Welcome Break would install a comprehensive CCTV system across the site to ensure that anti-social behaviour can be negated and this has been acknowledged by the police architectural liaison. A car park management plan is also recommended to further negate potential ASB on the site.

## Flood Risk/Drainage

114. Policy 2 (Climate Change) of the LPP1 states that *“Development proposals that avoid areas of current and future flood risk and which do not increase the risk of flooding elsewhere and where possible reduce flood risk, adopting the precautionary principle to development, will be supported.”* Furthermore, it states *“all new development should incorporate measures to reduce surface water run-off and the implementation of SuDS into all new development will be sought unless ... not viable or technical feasible.”*
115. Policy 17 (Managing Flood Risk) of the LPP2 states that *“planning permission will be granted for development in areas where a risk of flooding or problems of surface water disposal exists provided that the sequential test and exception test are applied and satisfied in accordance with the NPPF and NPPG [and] development does not increase the risk of flooding on the site, or elsewhere”* amongst other things. It goes on to state that *“development proposals in areas of flood risk will only be considered when accompanied by a site-specific flood risk assessment. Proposals will be expected to include mitigation measures which protected the site and manage any residual flood risk”*.
116. Policy 18 (Surface Water Management) of the LPP2 states that *“to increase the levels of water attenuation, storage and water quality, and where appropriate, development must, at an early stage in the design process, identify opportunities to incorporate a range of deliverable Sustainable Drainage Systems, appropriate to the size and type of development. The choice of drainage systems should comply with the drainage hierarchy.”* It goes on to state *“planning permission will be granted for development which is appropriately located taking account of the level of flood risk and which promote the incorporation of appropriate mitigation measures into new development, such as sustainable drainage systems”* amongst other things.

117. Policy 19 (Development Affecting Watercourses) of the LPP2 details that “ *Development will be supported that amongst other things does not have an adverse impact on the functions and setting of any watercourse and its associated corridors*”. Point e) of policy 19 seeks to ensure a 10m buffer, where physically possible between watercourses and development sites, free of development to provide a landscape/ecological buffer.
118. The application site lies within Flood Zone 1, defined as land having low probability of flooding (i.e less than 1 in 1000 annual probability of river or sea flooding). The site itself is not identified as at risk from surface water flooding however there are a number of culverts on the site providing access to the field to the south. It is understood that these culverts sometimes back- up resulting in waterflow around the culvert and localized flooding. The proposal would remove these culverts and reduce existing restrictions, which is supported by point d) of policy 19. The application has been supported by a Flood Risk Assessment (FRA) and Drainage Appraisal, which has been updated during the application process to respond to comments received from 3<sup>rd</sup> parties and statutory consultees.
119. The application has been reviewed by colleagues at NCC as Lead Local Flood Authority in relation to surface water drainage and the Environment Agency. No objection has been raised by either body subject to the imposition of a number of conditions.
120. Comments have been made by the Environment Agency in relation to foul drainage, discharge to surface water, permitting and ground water and further clarification provided by the applicant. The site is bound by a stream on the southern boundary referred to as Hickling stream which flows south west along the southern boundary of the site and flows beneath the A46 in a culvert before discharging in Fairham Brook approximately 230m to the south west. Development has been set in from the southern boundary of the site, in accordance with point e) of policy 19 of the LPP2 by between 10-15m with the existing boundary hedge retained, strengthened and additional planting provided, as indicated on the soft landscaping plan.
121. A point of much discussion above by neighbouring residents is how surface water and more critically foul water is to be managed on the site, given there is no public sewer connection within 1km of the site. Given the sites underlying geology there is no ability to consider surface water discharging to groundwater. Therefore, it is proposed that surface water will be managed through storage and re-use as grey water (rainwater harvesting), with two attenuation ponds and an associated swale is also proposed on the southern boundary which would attenuate and manage water discharge from the site before discharging at a restricted rate to Hickling stream. Based on the information submitted the discharge rates from the swale, would represent an approximate 30% reduction compared to existing greenfield run off rates in a storm event. Whilst acknowledging that the proposal represents the introduction of a large amount of hard standing compared to existing, run-off can be better managed, stored and released, compared to the existing greenfield run off.
122. In relation to foul water: a package treatment plant is proposed. The plant would discharge to Hickling stream with a permit to be sought from the

Environment Agency, given the daily discharge volume would likely exceed 5m<sup>3</sup>. The Environment Agency commented the following on the further clarification provided in relation to foul water management '*The proposed foul drainage option of a package treatment plant discharging to ground via a constructed drainage mound, as detailed in the Foul Drainage Assessment is an acceptable solution for this site. As the applicant is aware, the proposed discharge will be subject to an Environmental Permit from the Environment Agency. Approval of Planning Consent does not guarantee that a permit application will be successful. The applicant is advised to engage with the Environment Agency early on this matter and to utilise the pre-application advice service*'. Given the EA's comments, and in light of the lack of any existing drainage infrastructure within proximity of the site, the use of a package treatment plant is considered acceptable in this instance.

123. As detailed above the scheme has been the subject of design revisions during the consultation process. The initially indicated three attenuation ponds have been revised to two, following discussions with National Highways and the western most pond, closest to the A46 removed. The sizes of the two retained ponds have marginally been increased to compensate for the loss and an enlarged swale area created to the south east of the HGV fueling area. It has been clarified that all drainage and net gain calculations have been based upon two ponds being on site, which shall be permanently wet. It should also be noted that consideration by the applicant has been had in relation to watercourse contamination and a pollution incident reaction response plan provided as part of the submission.
124. In conclusion whilst the concerns of local residents regarding contamination and the potential for increased downstream flooding are noted, the LLFA & EA as the competent bodies consulted on the application have raised no objection subject to precise details relating to surface water management being secured via condition and the applicant obtaining a permit from the EA to manage foul water discharge. The proposal is therefore considered to accord with local and national planning policy guidance.

### Impact on Ecology/Trees

125. Policy 17 (Biodiversity) of the LPP1 states

*“the biodiversity of Rushcliffe will be increased by:*

- a) protecting, restoring, expanding and enhancing existing areas of biodiversity interest, including areas and networks of priority habitats and species listed in the UK and Nottinghamshire Local Biodiversity Action Plans;*
- b) ensuring that fragmentation of the Green Infrastructure network is avoided wherever possible and improvements to the network benefit biodiversity, including at a landscape scale, through the incorporation of existing habitats and the creation of new habitats;*
- c) seeking to ensure new development provides new biodiversity features, and improves existing biodiversity features wherever appropriate;*
- d) supporting the need for the appropriate management and maintenance of existing and created habitats through the use of planning conditions, planning obligations and management agreements; and*
- e) ensuring that where harm to biodiversity is unavoidable, and it has been demonstrated that no alternative sites or scheme designs are suitable,*

*development should as a minimum firstly mitigate and if not possible compensate at a level equivalent to the biodiversity value of the habitat lost.”*

126. The policy goes on to protect designated national and local sites of biological and geological importance for nature conservation and states that development on or affecting other, non-designated sites or wildlife corridors with biodiversity value will only be permitted where overriding need for the development.
127. Policy 1 (Development Requirements) of the LPP2 states that permission for new development will be granted where there are no significant adverse effects on important wildlife interests and where possible, the application demonstrates net gains in biodiversity.
128. The application has been supported by a Phase 1 habitat survey and a net gain matrix. Initial comments were raised from the ecology officer in relation to potential for badgers to be present on the neighbouring site and clarification sought in relation to the proposed net gain on the site. The applicant has submitted a follow-on badger survey and updated matrix. The ecology officer has stated that the badger survey demonstrates that the site is not being used by badgers, however given their mobility a further follow-on survey should be undertaken once works commence on site, which can be secured via condition. Information in relation to net gain has again been reviewed and shows a gain in hedgerow units, notwithstanding sections that are proposed to be removed. Precise details in relation to net gain and its implementation shall be secured via condition.
129. It is not likely that any protected species in the area, including on the LWS (Crossroads Meadow) on the opposite side of Melton Road will be impacted by the proposed development subject to suitable precautions being implemented such as the use of oil interceptors etc, which can be secured via condition.
130. As detailed by the ecology officer and landscape officer some hedgerow particularly on the north eastern boundary of the site is proposed to be removed and this is clarified on the submitted visuals. The applicant has sought to work proactively with officers to introduce additional landscaping and clarification tree protection wherever appropriate. Following discussions with the applicant it is understood that a section in proximity to the roundabout is required to be removed to facilitate visibility splays as part of S278 agreements. The applicant has however sought to follow guidance provided by the landscape officer and an additional section of approximately 40m of native hedging is proposed along the north eastern boundary of the site. This additional hedging whilst softening views into and out of the site will also positively contribute towards an excess of 10% net gain in terms of hedgerow volume. The removal of a small section of established hedging to improve visibility is therefore considered to be an acceptable compromise.
131. Within the site itself; existing planting on the southern and eastern boundaries is largely retained and any gaps indicated as being patched up with native planting. Succession tree planting is proposed on the western boundary to account for potential ash dieback that may occur in the future. Within the site and as indicated in the visuals tree planting is proposed to seek to break up areas of hard standing along with shrub planting around the buildings, complementing the green walls as discussed in the visual appraisal section of

this report. Tree planting continues through the centre of the site with any available areas planted to soften the development. Officers have met with the applicant and their landscape architect and plans reviewed by the landscape officer and considered to be acceptable.

132. Whilst accepting that the proposal will fundamentally intensify the use of the site, the proposed mitigation is detailed as resulting in an overall biodiversity net gain of approximately 26% compared to the existing baseline. This increase is achieved principally from the replacement of arable land with developed land which includes features with a high biodiversity value namely ponds and swales and marginal grassland areas. The retention of the majority of the existing boundary trees and hedgerows also helps retain the majority of the existing biodiversity value of the site.
133. Subject to conditions relating to provision of a follow-on badger survey, precise details regarding the construction and maintenance of ponds and swales and development being undertaken in accordance with submitted landscape and ecological surveys the proposal is considered to be acceptable and would accord with policy 17 of the LPP1 and policies 37 & 38 of the LPP2.

### The Historic Environment

134. The development is assessed as in accordance with the Planning (Listed Building and Conservation Areas) Act 1990 sections 66 and 72.
135. Chapter 16 of the NPPF addresses the historic environment. It identifies heritage assets as 'an irreplaceable resource' and notes that *"they should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations"*.
136. Paragraph 200 of the NPPF states that *"where designated assets are concerned great weight should be given to its conservation and any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*
  - a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional,*
  - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."*
137. Policy 11 (Historic Environment) of LPP1 states that *"proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance."* It goes on to state that elements of particular importance include Registered Parks and Gardens and prominent Listed Buildings. Policy 1 (Development Requirements) of the LPP1 states that permission for new development will be granted where *"there is no significant adverse effect on any historic sites and their settings including listed buildings, buildings of local*

*interest, conservation areas, scheduled ancient monuments, and historic parks and garden”.*

138. The closest heritage assets to the sites are Wolds farmhouse approximately 1km to the north and Broughton Grange farmhouse approximately 1.2km to the south. The closest conservation areas are those at Hickling and Keyworth, approximately 3.5km away. As discussed earlier in the report it is considered that the proposed development would result in a local degree of change only and given the lack of any heritage assets within 1km of the site it is not considered that the proposal would detract from the setting of any heritage assets nor character of any conservation areas and the proposal would accord with both local and national policy in this regard.

### Archaeology

139. Policy 29 of the LPP2 requires that where development sites would affect sites of known or potential archaeological interest, an appropriate archaeological assessment must be provided at application stage. Initial comments received from NCC Archaeology raised queries as to the sites potential archaeological interest given its proximity to the course of the Fosse way. The initially submitted geophysical survey and lidar work were considered to be inconclusive and further investigation recommended.
140. The applicants consultant in discussion NCC archaeology undertook trial trenching on the site and the results were shared with NCC archaeology. It was concluded that the site was of no archaeological interest and no further survey works are required. As such the scheme complies with policy 29 of the LPP2.

### Other Matters

#### Contaminated land

141. The NPPF (Section 15) requires that decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. This is reiterated as part of Policy 40 of the LPP2. The application has been supported by a phase 1 land assessment and fuel storage feasibility report which have been reviewed by Environmental Health colleagues. No objection has been raised subject to conditions should unexpected contaminants be encountered in the process of development and as such the development is considered to comply with the requirements of section 15.

#### Refuse bins

142. No precise details of bins within the site or management for minimising litter on the site has been provided. Therefore, in the interests of ensuring the proposal doesn't result in litter in the surrounding area a condition is required to secure precise details of the management regime in the interests of the environment and the general amenities of the area.

## Community Infrastructure Levy

143. Clarity has been sought from the CIL officer regarding any potential CIL receipt from the proposed development. It is considered that the main RSA building is a sui generis use for the purposes of CIL and therefore not CIL liable. The smaller 'coffee shop' building would however be CIL liable. Based on the indicative floor plan and a floor space of 170m<sup>2</sup> the CIL amount liable would be approximately £9,000, this would however be confirmed as part of the liability notice issued should consent be granted.

## Conclusion and Planning Balance

144. The justification submitted to accompany the application is considered to demonstrate a robust need for the mixed-use Roadside Service Area (RSA) in this rural location namely due to an existing 'gap' in provision for service stations along this stretch of the A46 and with consideration of the national requirement for overnight lorry parking and electric vehicle charging points.
145. The site offering includes facilities for users that whilst holistically form a 'sui generis' mixed use, individually represent uses that would be considered 'main town centre uses and as such an assessment against relevant retail policy has been required. The site-specific locational requirements for this type of development ensures that any test for sequentially preferable sites within existing retail centres is passed. For the avoidance of doubt a proportionate retail impact assessment has been made and it is considered that the development would not have any significant adverse impacts on existing centres.
146. 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 as well as provide for a circa 26% biodiversity net gain.
147. The design has been enhanced as part of the application process and is considered to be modern and contemporary with a nod to its rural setting through use of natural materials, whilst also being functional to the end commercial uses. No objection has been raised by any statutory consultee and finer details relating to landscaping; ecology and amenity impacts could be appropriately mitigated through condition. The constraints of the site in relation to foul drainage are noted but again the proposal demonstrates the ability to sufficiently mitigate the development against harmful impacts arising through this constraint and the Environment Agency as statutory consultee are satisfied with the proposal.
148. As demonstrated by the number of responses from local residents the proposal would result in a commercialisation of a site which is an existing agricultural field. However, the extent of this change as demonstrated by supporting surveys is considered to be local in its magnitude, and this assessment conclusion is supported by the Borough Landscape Officer. The scheme would not cause any significant harm to wider landscape character given most prominent site views are from adjacent highways, and with local nearby Public Rights Of Way set such a distance away that any views are long distance and filtered. 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.

149. Overall, whilst the scheme would result in a high level of localised change to landscape character for the site area, the scheme protects and enhances the site green infrastructure features including boundaries to enhance their distinctiveness. The scheme brings about notable benefits in terms of biodiversity, the economy, and through the provision of facilities to meet an identified need. no demonstrable harm has been identified which would outweigh the benefits of the development and therefore the scheme is considered to accord with the aims of the development plan when considered as a whole. The recommendation is therefore that planning permission be granted.

## **RECOMMENDATION**

It is RECOMMENDED that planning permission be granted subject to the following condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Soft landscaping plan Dwg No. (96)001 Rev J
- Tree protection plan Dwg No. P2622 Rev 03
- Proposed block plan Dwg No. 201232-4-F
- Proposed site layout sheet 1 Dwg No. 201232-5-E
- Proposed site layout sheet 2 Dwg No. 201232-6-E
- Proposed site layout sheet 3 Dwg No. 201232-7D
- Proposed site elevations Dwg No. 201232-8-G
- Proposed site elevations sheet 2 Dwg No. 201232-9-I
- Proposed building layout and elevations coffee shop Dwg No. 201232-10-B
- Proposed building layout and elevations RSA Dwg No. 201232-11-H
- Tracking layout Dwg No. 201232-12-E
- Ancillary detail Dwg No. 201232-13C
- EVC ancillary detail Dwg No. 201232-14A
- Auto canopy layout Dwg No. 201232-15
- HGV canopy layout Dwg No. 201232-16
- Materials schedule Dwg No. 201232-MS1
- Lighting layout Dwg No. DM161.1
- Lighting layout Dwg No. DM161.2V3
- Proposed sections Dwg No. 201232-Sketch-02
- Site sections Dwg No. 201232-17-B

- General arrangement plan option 2 Dwg No. 0002 Rev P8
- Potential future mezzanine expansion Dwg No. 291232-18-A

[For the avoidance of doubt and to comply with Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

3. The tree and hedge protection measures contained within the approved tree protection plans (P2622 Rev 03) shall be carried out prior to the commencement of development and retained until such time as development is complete.

[To ensure that the work is carried out to satisfactory standard to minimise any adverse impact on the health of the tree having regard to policy 37 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

4. The exterior of the development hereby permitted must be constructed using only the materials specified in the submitted materials schedule received 1/3/23. If any alternative materials are proposed to be used, then prior to the development advancing beyond damp proof course level, the details of all alternative external materials must be submitted to and approved in writing by the Borough Council. Thereafter the development must be carried out in accordance with the approved, alternative materials.

[To ensure the appearance of the development is satisfactory having regard to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

5. Development shall only be undertaken in accordance with the approved lighting plan (Lighting layout Hickling services DM161.1) unless otherwise agreed in writing with the Local Planning Authority

[In the interests of amenity and to ensure a satisfactory finish to the development and to accord with policy 1 of the LPP2]

6. 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 Flood Risk Assessment (FRA) and Drainage Strategy, 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:

- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.

- Demonstrate the ponds would maintain a baseline water level.

[A detailed surface water management plan is required to be submitted prior to commencement 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.]

7. No part of the development hereby approved shall commence until a detailed foul water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority and Environment Agency. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:
  - Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all foul water from the site.

[A detailed foul water management plan is required prior to commencement to ensure that the development is in accordance with NPPF and local planning policies and to ensure that the proposal does not increase the risk of flooding off-site.]

8. Prior to the commencement of development a construction ecological management plan (CEMP) shall be submitted to and agreed with the local planning authority. This plan should take into account any pre-start survey requirements or results including an updated badger survey, and build upon the recommendations contained within the submitted ecology reports. The development shall thereafter only proceed in accordance with the approved CEMP.

[To ensure adequate consideration of the impact on protected species has been undertaken in accordance with Policy 38 of the Rushcliffe Local Plan Part 2. This is required to be submitted prior to commencement to ensure species are protected early in the process.]

9. No development shall take place, including any engineering operations, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - the parking of vehicles of site operatives and visitors
  - loading and unloading of plant and materials
  - storage of plant and materials used in constructing the development
  - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - wheel washing facilities
  - measures to control the emission of dust and dirt during construction

- a scheme for recycling/disposing of waste resulting from demolition and construction works.
- The routing of deliveries and construction vehicles to site and any temporary access points.
- Interim drainage strategy to control surface water run-off and pollution whilst construction phases are undertaken.
- include reference to the mitigation measures required to address potential dust emissions as detailed in the air quality assessment undertaken by SLR consulting dated September 2022.
- Details of any temporary site lighting.

[In the interest of highway safety, and to minimise disruption to users of the public highway and protect the amenity of residents and to accord with policy 10 of the LPP1. This is required to be submitted prior to commencement to ensure effects of construction are mitigated at an early stage ]

10. No part of the development hereby permitted shall take place until the full details of the new access junction and proposed road layout of the A606 Melton Road have been submitted to and approved in writing by the Local Planning Authority, including longitudinal and cross-sectional gradients, construction details, street lighting, Traffic Regulation Orders, drainage and outfall proposals, construction specification, provision of and diversion of utilities services and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

[In the interest of highway safety and to accord with policy 10 of the LPP1. This information is required to be submitted prior to commencement to ensure the detailed arrangements accord with the submitted plans ]

11. Notwithstanding the hard surfacing finishes as indicated on the approved block plan (201232-4-F), prior to the installation of any external hard surfacing finishes, a revised hard surfacing plan shall first be submitted to and approved by the local planning authority. The development shall thereafter be completed only in accordance with the approved hard surface finishes, with the finishes to be fully installed in accordance with the approved plan prior to the first use of the site hereby approved commencing. The approved hard surfacing finishes shall thereafter be retained and maintained for the lifetime of the development.

[In the interests of ensuring a satisfactory finish to the site and to accord with policy 1 of the LPP2]

12. Prior to their construction, the precise design and finish of the two attenuation ponds, the two ornamental ponds and the swale on the southern boundary of the site shall be submitted to and agreed in writing with the Local Planning Authority. The ponds shall be designed to be water retaining features.

[In the interests of promoting biodiversity net gain on the site and to accord with policy 38 of the LPP2]

13. Prior to the first operation, a HGV management plan including precise details of electrical plug in points for parked refrigerated vehicles, shall be submitted to and agreed in writing with the Local Planning Authority. Any refrigerated vehicle which park on site overnight shall switch off its engine for the duration of its stay and appropriate signage shall be displayed to advise drivers of this.

[In the interests of amenity and to accord with policy 1 of the LPP2]

14. The details contained within the soft landscaping plan ( (96)001 Rev J) hereby permitted shall be carried out and completed no later than during the first planting season (October - March) following either the substantial completion of the development hereby permitted, or it being brought into use, whichever is sooner.

If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved scheme is removed, uprooted, destroyed, dies, or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal.

[To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed Places) of the National Planning Policy Framework (2021)].

15. Prior to the 1st operation of the development hereby approved, a biodiversity management plan shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall have reference to the recommendations as detailed in sections 3 (opportunities), 4 and appendix 2 and 3 of the survey by CBE Consulting dated 13/3/23. The site shall thereafter be implemented and managed in accordance with the approved management plan.

[In the interests of promoting biodiversity net gain on the site and to accord with policy 38 of the LPP2]

16. Details of waste bin storage points, including positions, size and details of any enclosures or canopies and a management plan for managing litter created by the site, shall be submitted to, and agreed in writing by, the Local Planning Authority prior to the site being first brought into use. The approved scheme shall then be implemented as agreed on site prior to the first use of the site. The approved details shall be retained thereafter and the site managed in accordance with approved management plan for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

[In the interests of the amenities of the area and to ensure adequate servicing in accordance with Policy 1 of the Local Plan Part 2 and 10 of the Local Plan Part 1: Core Strategy]

17. Prior to first use of the development hereby approved a car park management plan shall be submitted to and agreed in writing with the Local Planning Authority. The site shall thereafter be managed in accordance with the approved management plan.

[In the interests of local amenity and to accord with policy 1 of the LPP2]

18. The 20 Electric vehicle charging bays as indicated on the approved block plan (201232-4-F) shall be operational at the time of the site first being brought into use and shall be maintained in a good working order for the lifetime of the development.

[To promote sustainable transport measures that will help lead to a reduction in carbon emissions within the Borough and help contribute towards a reduction in general air quality having regard to Policy 2 (Climate Change) of the Local Plan Part 1: Core Strategy (2014) and Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraph 110 of the National Planning Policy]

19. The Roadside Services Building shall not be first brought into use until such time as the associated car parking and re-fueling areas and HGV parking and re-fueling areas have been made available for use.

[In the interests of ensuring that the development is carried out holistically and the provision of a roadside services building without the associated car and HGV parking and re-fueling facilities would not meet any identified need and therefore would be unacceptable in an open countryside location and to accord with policy 22 of the LPP2]

20. The coffee shop hereby approved shall not be first brought into use until such time as the RSA building and all supporting infrastructure has been provided and made available for public use.

[In the interests of ensuring that the development is carried out holistically and the provision of a coffee shop facility without the RSA would be unacceptable in an open countryside location and to accord with policy 22 of the LPP2]

21. The car parking and HGV parking areas shall not be first brought into use until such time as the boundary fences to the south of the HGV parking and western edge of the site have been erected in accordance with the approved details. These features shall thereafter be retained and maintained for the lifetime of the development.

[In the interests of highway safety and pollution in accordance with policies 1 (Development requirements) and 40 (Pollution and land contamination) of the LPP2].

22. Prior to the installation of any external plant or equipment, or internal equipment which vents externally (including air conditioning, extraction/ventilation, fans etc), full details of the equipment including technical

specifications and details of the external design and finish 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.

[In the interests of visual and residential amenity and to accord with policy 1 of the LPP2]

23. If during the course of carrying out the development hereby permitted any unexpected contamination is found that has not been previously identified, it must be reported to the Local Planning Authority within 48 hours. All development on the site must cease immediately and must not recommence until a written scheme for the investigation and risk assessment of the unexpected contamination has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme must be prepared by a suitably qualified 'competent person' (as defined in the National Planning Policy Framework February 2019) and must be in accordance with the Environment Agency's 'Land Contamination Risk Management' (LCRM).

b) Where remediation of the contamination is necessary no further development shall commence on the site until a Remediation Strategy (RS) has been submitted to and approved in writing by the Local Planning Authority. The submitted RS must include

- full details of how the contamination on the site is to be remediated and include (where appropriate) details of any options appraisal undertaken;
- the proposed remediation objectives and criteria; and,
- a verification plan.

The RS must demonstrate that as a minimum the site after remediation will not be capable of being classified as contaminated land under Part 2A of the Environmental Protection Act 1990.

c) The development hereby permitted must not be occupied or first brought into use until the site has been remediated in accordance with the approved RS and a written Verification Report (VR) confirming that all measures outlined in the approved RS have been successfully carried out and completed has been submitted to and agreed in writing by the Local Planning Authority. The VR must include, where appropriate the results of any validation testing and copies of any necessary waste management documentation.

[Reason: In the interests of amenity and to accord with policy 40 of the LPP2]

24. The food and retail uses within the RSA building shall only be implemented in accordance with the approved floor plans, and there shall be no sub-division or amalgamation of or between the units as identified on the approved floor plans without the express permission of the local planning authority.

[To ensure the facility continues to serve the demand for the facility as a RSA, and to ensure that the retail offering does not evolve beyond the anticipated scope of the permission to cause any retail impacts which may affect surrounding centres if a larger retail unit were to be established, in accordance

with policy 27 (Main Town Centre Uses outside District Centres and Local Centres) of the LPP2].

## NOTES TO APPLICANT

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the HA, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for road works. ([www.nottinghamshire.gov.uk/transport/roads/highway-design-guide](http://www.nottinghamshire.gov.uk/transport/roads/highway-design-guide))

In order to carry out the off-site works, the applicant 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 the applicant has no control. In order to undertake these works, which must comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act. Furthermore, any details submitted in relation to a reserved matters or discharge of condition planning application, are unlikely to be considered by the Highway Authority until technical approval of the Section 278 Agreement is issued.

Although separate to the planning regime we would advise the applicant an environmental permit is required under the Environmental Permitting (England & Wales) Regulations 2016 (as amended) for the unloading of petrol into storage, and motor vehicle refuelling, at service stations. If there are any queries regarding this requirement we would recommend the applicant contact us via [envhealth@rushcliffe.gov.uk](mailto:envhealth@rushcliffe.gov.uk) or 0115 981 9911

External lighting on the site shall not be visible from the A46. Should lighting in winter months be visible due to a lack of intervening vegetative cover, the applicant in conjunction with the National Highways Authority shall seek to review the lighting for the site to ensure it is fit for purpose.

The applicant is reminded that this decision is for planning permission only and does not grant any express advertisement consent for advertisements the applicant might wish to display in connection with the development hereby permitted. The applicant is advised to contact the planning department at [planning@rushcliffe.gov.uk](mailto:planning@rushcliffe.gov.uk) to discuss any plans they might have to display an advertisement or advertisements on the land in the future.